Supreme Court, U. S.
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APPENDIX

Volume II – Exhibits

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1976

No. 76-539

DAYTON BOARD OF EDUCATION,
WILLIAM E. GOODWIN,
JOSEPHINE GROFF and
JAMES D. HART,

Petitioners,

v.

MARK BRINKMAN,
PATTY BRINKMAN, and
PHILLIP BRINKMAN,
By Their Mother and Next Friend,
Donna Brinkman, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

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Petition For Certiorari Filed October 18, 1976
Certiorari Granted January 17, 1977

APPENDIX – VOLUME II

EXHIBITS

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PLAINTIFFS' EXHIBIT 2A

ONE RACE SCHOOLS AND CLASSROOMS
in ONE RACE SCHOOLS, 1972-73

SCHOOLS		
Total Schools	68	100%
Schools with pupil racial composition 90% or more Black	22	32.3
Schools with pupil racial composition 90% or more White	25	36.8
Schools with pupil racial composition 90% or more Black or White	47	69.1

CLASSROOMS	#	% of Total
Total Classrooms	1,390	100%
Classrooms in schools with pupil racial compositions 90% or more Black	464	33.4
Classrooms in schools with pupil racial composition 90% or more White	647	46.6
Classrooms in schools with pupil racial composition 90% or more Black or White	1,110	80.0

Source: D. P. S. Enrollment Data and Division of Research Compilations

PLAINTIFFS' EXHIBIT 2B

1951-52 OVERVIEW

Number Schools	47
Enrollment	34,948
Black Pupils	6,628
% Black Pupils	19.0
White Pupils	28,320
% White Pupils	81.0

ONE RACE SCHOOLS

Number 90+ Black Schools	4	90+ White Schools	34
No. of Black Students	3,602		0
% of Black Students	54.3		0
No. of White Students	0		23,514
% of White Students	0		83.0

Total Schools	38
Total Students	27,116
% of Total Students	77.6

Source: D. P. S. Enrollment Data

PLAINTIFFS' EXHIBIT 2C

1963-64 OVERVIEW

based on Ohio Civil Rights Survey. (School Data)

Number Schools	64	(66)
Enrollment	57,361	(59,091)
Black Pupils	15,987	(18,377)
% Black Pupils	27.8	(31.1)
White Pupils	41,374	(40,714)
% White Pupils	68.9	(68.9)

ONE RACE SCHOOLS

Number 90+ Black Schools	13	90+ White Schools	43
No. of Black Students	12,665		361
% of Black Students	79.2		2.2
No. of White Students	391		37,544
% of White Students	0.9		90.7

Total Schools	57
Total Students	50,961
% of Total Students	88.8

Source: Ohio Civil Rights Survey

PLAINTIFFS' EXHIBIT 2D

1971-1972 OVERVIEW

(Including Pre-school Enrollment, as of October 1971)

Number Schools	69	
Enrollment	55,142	(Actual Enrollment - 53,936)
Black Pupils	23,544	
% Black Pupils	42.7	
White Pupils	31,598	
% White Pupils	57.3	

ONE RACE SCHOOLS

Number 90+ Black Schools	21	90+ White Schools	28
No. of Black Students	17,871		759
% of Black Students	75.9		3.2
No. of White Students	287		22,171
% of White Students	0.9		70.2

Total Schools	49
Total Students	41,088
% of Total Students	74.5

Source: D. P. S. Enrollment Data

PLAINTIFFS' EXHIBIT 2E

SCHOOL SEGREGATION OVERVIEW

Black Schools

Of the 4 schools 90% or more black in 1951-52, all continue * 90% or more black in 1972-73.

Of the 13 schools 90% or more black in 1963-64, all remain 90% or more black in 1972-73.

Of the 21 schools 90% or more black in 1971-72, all remain 90% or more black in 1972-73.

White Schools

Of the 25 schools 90% or more white in 1972-73 all opened 90% or more white and, if open, were 90% or more white in 1971-1972, 1963-64, and 1951-52.

* In 1962 the Dunbar High School Building was converted to the McFarlane Elementary School, a new Dunbar High School opened, and the Willard and Garfield schools were closed and their pupils assigned to the McFarlane School. McFarlane opened with an all black student body and faculty; Dunbar opened with a virtually all black staff and pupil population and in 1963-64 enrolled a pupil population 99.61 black.

Source: D. P. S. Enrollment Data, Ohio Civil Rights Survey, D. P. S. Research Division Compilations.

PLAINTIFFS' EXHIBIT 4

1950 to Date: RACIALLY IDENTIFIABLE CLASSROOMS OPENED (NEW SCHOOLS OR ADDITIONS) WHICH REMAIN PREDOMINANTLY BLACK OR PREDOMINANTLY WHITE IN PUPIL RACIAL COMPOSITION*

	School	Year Opened	AT OPENING % White Pupils	AT OPENING % White Faculty
Black	Dunbar	1962	less than 10 (7.3 in 1963)	5
	Carlson	1958	5	0
		1967	0.9	16
	Edison	1971	1.2	62
	Greene	1969	2.5	20
	Jackson Prim	1963	0.1	39
	MacFarlane	1954	0.0	0
		(1962)	0.0	0
	McNary	1964	0.0	35
	Miami Chapel	1953	0.0	15
		1954	0.0	7
	Residence Pk Prim	1966	(80 in 1967)	38.5
	Troy	1957	0.0	7
		1958	0.0	7
	Weaver	1950	30	100
		1954	less than 30	mostly
		1969	0.0	23
	Wogamon	1955	0.0	0
White	Belmont	1956	100	100
		1960	100	100
	Meadowdale H.S.	1960	100	100
		1967	99.1	94.1
	Patterson Co-op	1954	100	100
		1967	87.2	96.5
	Stivers	1966	99	95
	Wilbur Wright	1953	mostly	100
		1964	96.7	94
	Orville Wright	1952	100	100
		1955	100	100
		1966	100	100
	Allen Prim	1969	100	90
	Belle Haven	1954	100	100
		1957	100	100
		1958	100	100
		1964	100	100
	Brown	1950	100	100
		1953	100	100
	Cleveland	1956	100	100
		1967	100	100
	Eastmont	1955	100	100
		1958	100	100
		1967	100	97
	Fairview	1950	100	100
		1955	100	100
		1966	100	100
	Fort McKinley	1955	100	100
	Franklin	1961	100	100
		1967	100	97
	Gettysburg	1950	100	100
		1952	100	100
	Grant	1952	100	100
		1955	100	100
	Huffman	1967	98.5	93
	Kemp	1951	100	100
		1954	100	100
		1957	100	100
	Lewton	1951	100	100
		1954	100	100
		1957	100	100

School	Year Opened	AT OPENING % White Pupils	AT OPENING % White Faculty
Lincoln	1957	100	100
	1964	100	98.3
Loos	1954	100	100
	1967	98.8	96
Horace Mann	1954	100	100
	1957	100	100
Meadowdale El	1957	100	100
	1962	100	100
	1966	100	100
Patterson	1954	100	100
	1970	100	100
Ruskin	1955	100	100
	1966	(100 in 1967)	(100 in 1967)
Shiloh	1953	100	100
	1960	100	100
	1969	94	96
Shoup Mill	1958	100	100
Valerie	1966	100	100
Webster	1968	100	100

* The schools and classrooms which opened as racially identifiable black schools contain pupil populations over 95% black in the 1971-1972 school year. The schools and classrooms which opened as racially identifiable white schools contain 90% or more white pupil populations in 1971-1972 school year with the exception of Patterson Co-op (69.0% white), Stivers (87.7% white), Valerie (86.5% white), Gettysburg (85.5% white), and Belle Haven (89.7% white).

Source: D.P.S. Personnel Reports; Compilation of the D.P.S. Division of Research and D.P.S. Office of Equal Educational Opportunity; and the D.P.S. Building Schedule.

PLAINTIFFS' EXHIBIT 5A

1963-64 New Black Teacher Employments/Placements

46
43 Full-time assignments
40 To schools with pupils racial composition 80% or more black

1964-65 New Black Teacher Employments/Placements

73
68 Full-time assignments
57 To schools with pupil racial composition 80% or more black

1968-69 Assignments of New and Transfer Teachers

	Schools with Predominantly White Enrollment	Schools with Predominantly Negro Enrollment	Total
Negro Teachers	40	95	135
White Teachers	223	64	287

Source: D.P.S. Personnel Reports; D.P.S. Superintendent's Compilations

PLAINTIFFS' EXHIBIT 5D

RACIAL PATTERN IN THE ALLOCATION OF PUPILS AND FACULTY

Year	No. Black Teachers	No. White Teachers	Faculty Allocated To Pupil Populations 90% + Black	Faculty Allocated To Pupil Populations 90% + White
1950-51	---- ----	---- ----	All Black No White	No Black All White
1963-64	415	1616	304 (74.5%) 151 (7.3%)	51 (12.7%) 1280 (79.2%)
1968-69	746	1847	633 (84.8%) 172 (9.3%)	172 (9.3%) 1299 (70.3%)

Source: D.P.S. Personnel Reports and Division of Research Compilations, Ohio Civil Rights Survey.

PLAINTIFFS' EXHIBIT 7

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF DAYTON, OHIO

WEDNESDAY – DECEMBER 8, 1971 – REGULAR MEETING

The following Resolution was introduced for adoption by Mr. Lucas, seconded by Mrs. Sterzer:

RESOLUTION SEEKING JOINT ACTION TO END SEGREGATION IN EDUCATION, HOUSING AND EMPLOYMENT IN THE METROPOLITAN DAYTON AREA

WHEREAS, the Committee of 75, in reporting to this Board, has called renewed attention to the widespread racial and economic isolation of pupils in the Dayton Public Schools and in schools of the metropolitan Dayton area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City School District of Dayton:

1. That this Board hereby recognizes and admits that racial and economic segregation exists in the Dayton schools because of the actions and inactions of this and predecessor boards in the establishment of attendance districts, the location and expansion of school buildings, pupils assignment practices, design of curriculum suitable to urban needs, the assignment of teachers and other staff, and the conduct of student activity programs; the past actions or inactions of the Ohio General Assembly, the State Board of Education, and other agencies of Federal, state, and local government in contributing to the development and continuation of segregated housing, education, and employment in the Day-

ton metropolitan area and other parts of Ohio; and the actions in inactions of lending agencies, real estate interests, employers, unions, private schools, colleges, churches, and other organizations that have reinforced segregation.

2. That this Board recognizes that past actions or inactions of the Board of Education and residential racial segregation are interdependent phenomena.

3. That this Board recognizes that the black minority population of the Dayton metropolitan area, as illustrated by the existence of schools of opposite racial composition in districts with contiguous district lines, essentially is contained within the central city of Dayton, as a result of discriminatory practices. Such containment works against a viable integrated school system within the city, and the Board asserts that a truly effective solution is possible only through a metropolitan approach.

4. That this Board of Education recognizes that racial and economic integration of student bodies in each school is imperative to providing equal educational opportunity, a broad curriculum capable of serving the individual needs of pupils, and a democratic environment in which future citizens can be prepared to live in America's multi-ethnic society.

5. That this Board views the racial and ethnic mix of the Dayton City School District and of the metropolitan area as assets; that this population, if reflected in each school, could itself contribute to people's learning from each other; and that, as a whole, the metropolitan area represents a nearly ideal cross section of the nation that could permit schools here to become a model of American democracy in action.

6. That this Board hereby invites and urges agencies of the federal, state, and local governments and organizations

of religious, business, labor, education, communications, civic service, and real estate to assist the Board in desegregation of Dayton schools and to pledge publicly their accelerated efforts to bring about desegregation in housing, education and employment throughout the Dayton metropolitan area.

7. That the Clerk of The Board be and hereby is directed to forward a true copy of this resolution to the following:

Governor of the State of Ohio
President of the State Board of Education
Speaker of the Ohio House of Representatives
President of the Ohio Senate
Montgomery County Members of the Ohio General Assembly and United States Congress
Montgomery County Commissioners
Dayton City Commissioners
Montgomery County Council of Governments
City Plan Board
Miami Valley Regional Planning Commission
Miami Valley Regional Transit Authority
Metropolitan Housing Authority

Apartment Owners Association
Area Progress Council
Assembly of Area Councils
Chairmen of Democratic and Republican Organizations
Community Affairs Committee
Congress of Representatives East Dayton Organizations
Dayton Advisory Council on Education
Dayton Area Board of Realtors
Dayton Area Chamber of Commerce
Dayton Area Junior Chamber of Commerce
Dayton Building Trades Council
Dayton Classroom Teachers Association

Dayton-Miami Valley AFL-CIO
Dayton Model Cities Planning Council, Inc.
Dayton Public Service Union
Dayton Urban League
Deans of Area Colleges of Education
Elementary Principals Association
Metropolitan Churches United
Miami Valley Consortium of Colleges and Universities
Montgomery County Community Action Agency
Montgomery County Council of PTAs
National Association for the Advancement of Colored People
Ohio Association of Public School Employees
Presidents Club
Secondary Principals Association
Southern Christian Leadership Conference

After introduction of the motion to adopt the Resolution, Mrs. Groff asked that the following statement be made a part of the Minutes:

"I feel that this resolution is beyond the jurisdiction of this Board because first of all it doesn't require a vote because it is in violation of this Board's present policy. Even though you sent out and stated that the policy we have on record referred to the election back in November 10, 1970, I would like to refute that because I have here a newspaper clipping quoting Dr. Carrell. It was when we were about to submit the policy on middle schools. On the question of middle schools, and I'd like to quote, "It has been alledged that there are 9 middle schools already chosen but not revealed by the Board. That they will be implemented over a weekend." Answer: "On both counts the answer is "no". First, I have not heard of any such proposal for 9 middle schools. I have no idea whether there will be 9 or 3 or 18. There is no proposal before the Board at this moment for any one of those figures. The Board adopted a policy some time ago

which said there would be 4 month's notice given to the public prior to the adoption of any significant policy decision. I feel that we still feel bound by that." Now, this is a new policy decision. This is the first time it has been before the Board. I feel this resolution is out of order. It's invalid because you are violating the Board's policy."

Upon completion of further discussion, it was moved by Mr. Ridenour, seconded by Mr. Hart, that action on the Resolution be tabled until the next regular meeting. Roll Call on the motion to table:

YEAS: Groff, Hart, Ridenour – 3
NAYS: Carrell, Seaman, Sterzer, and Lucas – 4

The motion to table was declared defeated.

Roll Call on original motion to adopt the Resolution:

YEAS: Carrell, Hart, Seaman, Sterzer, and Lucas – 5
NAYS: Groff, Ridenour – 2

The Resolution was declared adopted.

———

The following Resolution was introduced for adoption by Mr. Lucas, seconded by Mrs. Sterzer:

RESOLUTION ASKING FOR STATE ASSISTANCE TO DESEGREGATE PUBLIC SCHOOLS

WHEREAS, The Committee of 75 has recommended school integration on a metropolitan basis, and

WHEREAS, the State of Ohio has responsibility and authority for the operation of public schools, and the State Board of Education has the duty to administer the laws relating generally to the operation of the schools, and

WHEREAS, the Ohio Attorney General has ruled that the State Board of Education has the authority to restrict fund-

ing in any school district in which said Board finds as a matter of fact that racial segregation exists,

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City School District of Dayton:

1. That this Board hereby petitions the State of Ohio and the State Board of Education (a) to obtain from Ohio Civil Rights Commission, U. S. Office of Education and such other sources as it may deem useful, data on racial isolation of faculty, staffs and pupils within and among the several school districts as presently constituted in the metropolitan Dayton area; (b) to develop guidelines and criteria as may be necessary to assure an educationally and socially viable mix of pupils, within the socio-economic characteristics of the metropolitan area as a whole; (c) to require said districts to cooperate in preparing and implementing a plan for assignment of faculty, staffs and pupils in accordance with said guidelines and criteria, and (d) to assure adequate funding from state and district sources to continue the operation of the schools and the implementation of said plans throughout the period of transition and thereafter.
2. That said plans be developed by September 1, 1972 and fully implemented not later than September 1, 1973.
3. That the Clerk of the Board forward a true copy of this resolution to the Governor of the State of Ohio, the Speaker of the House of Representatives, the President of the Ohio Senate and the President of the State Board of Education.

After introduction of the motion to adopt the Resolution, Mrs. Groff asked that the following statement be made a part of the Minutes:

"Yes, I object to this resolution because it is also invalid and in violation of this Board's policy too. Also this is the

responsibility of the State Board of Education and the State Legislature and not this Board of Education to make these kinds of laws."

It was moved by Mr. Rinenour, seconded by Mr. Hart, that action on the Resolution be tabled. Roll Call on the motion to table:

YEAS; Groff, Hart, and Ridenour – 3
NAYS: Carrell, Seaman, Sterzer, and Lucas – 4

The motion to table was declared defeated.

Roll Call on original motion to adopt the Resolution:

YEAS: Carrell, Hart, Seaman, Sterzer, and Lucas – 5
NAYS: Groff and Ridenour – 2

The Resolution was declared adopted.

[PROPOSAL TO SUBMIT RESOUTION ASKING FOR STATE ASSISTANCE TO DESEGREGATE PUBLIC SCHOOLS TO THE STATE BOARD OF EDUCATION]

It was moved by Mrs. Sterzer, seconded by Mr. Seaman, that the Resolution asking for State Assistance to Desegregate Public Schools be carried by a committee representative of the school district to the next State Board of Education meeting and presented at their public hearing. Roll Call:

YEAS: Carrell, Hart, Seaman, Sterzer, and Lucas – 5
NAYS: Groff and Ridenour – 2

The motion was declared approved.

Plaintiffs' Exhibit 7

The following Resolution was introduced for adoption by Mr. Lucas, seconded by Mrs. Sterzer:

RESOLUTION ORDERING THE RACIAL AND ECONOMIC INTEGRATION OF PUPILS IN THE DAYTON PUBLIC SCHOOLS

WHEREAS, the Board of Education of the Dayton City School District recognizes a moral and legal duty to provide quality non-segregated education for all students in the district, and,

WHEREAS, integrated education is vital to the achievement of quality education for all pupils, black and white, rich and poor, and,

WHEREAS, the Fourteenth amendment to the United States Constitution and the mandate of the United States Supreme Court in Brown v. Board of Education decision and subsequent court decisions place an affirmative duty to disestablish the segregated attendance patterns which result in whole or in part from its actions and inactions in order to equalize educational opportunity, and,

WHEREAS, segregated educational opportunity and unequal educational opportunities for minority and poor students now exist in the Dayton Public Schools, and

WHEREAS, this inequality exists as a result of the acts and omissions of this Board and preceding Boards in their decisions concerning the site selection of school buildings, size of school buildings, changes and adoption of school attendance boundaries, pupil assignment practices, faculty and staff hiring and assignment practices and,

WHEREAS, this Board has requested and received reports of findings and recommendations from the State Department of Education and the Committee of 75,

Plaintiffs' Exhibit 7

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City School District of Dayton that it is the policy of this Board that each school shall enroll pupils in a manner which substantially reflects the racial and economic characteristics of the district as a whole. The Board recognizes that implementation of this policy requires departure from past practices and requires special planning to assure a smooth transition. The Board therefore directs:

1. That the superintendent in consultation with professional staff and the representatives of employee organizations, design and implement a mandatory program of in-service education involving all staff members to prepare staff for changes in enrollments and to develop an individualized, multi-ethnic curriculum in each school.

2. That Dayton Advisory Council on Education be requested to organize a Community Involvement Advisory Committee and a Lay Citizens Financial Review Committee to advise the superintendent during the course of planning and implementing integration programs, as recommended by the Committee of 75.

3. That the superintendent be and hereby is directed to develop and implement plans for the racial and economic integration of pupils using the following guidelines and criteria:

   a. Attendance districts as presently constituted are rescinded effective September 1, 1972.

   b. No building shall have a racial composition and family income characteristics substantially disproportionate to the district as a whole.

   c. After determination of building capacities and racial and economic characteristics of attendance areas, pupils will be assigned to a school in which such assignment would contribute to a mix as in b. above.

d. Freedom of Enrollment policy with the exception of transfers for course enrollment shall be eliminated by September 1, 1972.

e. Desegregation is to be completed by September, 1972.

f. Nothing herein shall be construed to limit the establishment of magnet, demonstration, specialized or other education complexes, provided that the sites for instruction meet the criteria in c. above.

g. Transportation shall be held to a minimum, but is specifically included as one means of implementing this policy.

PLAINTIFFS' EXHIBIT 8

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF DAYTON, OHIO

———

MONDAY – JANUARY 3, 1972 –
REGULAR MEETING

[RESOLUTION FOR AUTHORIZATION TO ADVERTISE FOR BIDS FOR PURCHASE OF SCHOOL BUSSES]

It was moved by Mr. Lucas, seconded by Mr. Lawson, that the following Resolution be adopted:

RESOLUTION ON SCHOOL BUS PURCHASING

WHEREAS, it has been determined that it is necessary to purchase one hundred and thirty, sixty-six passenger conventional or seventy-three passenger transit type buses, and,

WHEREAS, it is recommended that school buses be purchased and operated by the Board of Education, and,

WHEREAS, plans and specifications have been prepared by the Business Department,

NOW, THEREFORE, BE IT RESOLVED that the Clerk-Treasurer be and hereby is authorized to advertise for bids to be opened and read publicly in accordance with the provisions of Section 3313.46, Revised Code and that they be tabulated and reported to the Board at its earliest meeting after the bid opening.

YEAS: Lawson, Lucas, and Sterzer – 3
NAYS: Goodwin, Groff, Ridenour, and Hart – 4

The Resolution was declared defeated.

———

[RESOLUTION REGARDING PREPARATION OF BUDGET]

It was moved by Mr. Goodwin, seconded by Mr. Ridenour, that in the preparation of the 1972 budget the Superintendent be directed by the Board to maintain line items in the same categories in order to give Board members direct comparison across the line, to maintain cost comparison from one year to another and with monthly reports to be made to the Board.

YEAS: Goodwin, Groff, Lawson, Ridenour, and Hart – 5
NAYS: Lucas – 1
ABSTENTION: Sterzer – 1

The motion was declared approved.

———

[RESOLUTION FOR AUDIT]

It was moved by Mr. Goodwin, seconded by Mrs. Groff, that the Clerk-Treasurer be authorized to seek bids immediateately for a complete audit of 1970 and 1971 income and expenditures of the Board of Education in each category relative to all items listed in the Appropriation Budget and amended budgets with the audit to be made according to the use of State and Federal guidelines.

Mr. Lucas stated that boards of education do not have statutory authority to employ independent auditors to audit their records.

The chair then requested that the motion be tabled and a ruling sought as to whether or not the action indicated in the motion could be legally carried out.

It was moved by Mr. Lucas, seconded by Mr. Lawson, that the matter be tabled in accordance with the request of President Hart.

YEAS: Goodwin, Groff, Lawson, Lucas, Ridenour, Stetzer, and Hart – 7

NAYS: None

The motion to table was declared approved.

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[CONSIDERATION OF THREE RESOLUTIONS DRAFTED DECEMBER 8, 1971]

Mrs. Groff asked the Chair whether the motion to reconsider the three resolutions on integration could be brought up at this time. President Hart called up the motion on the vote to reconsider at the request of Mrs. Groff and then read the following statement:

"On December 8, 1971, there was presented to this board three resolutions by Mr. Lucas, to-wit:

1. Resolution Seeking Joint Action to End Segregation in Education, Housing and Employment in the Metropolitan Dayton Area.
2. Resolution Asking For State Assistance to Desegregate Public Schools.
3. Resolution Ordering The Racial and Economic Integration of Pupils in The Dayton Public Schools.

The motion was seconded and passed.

Thereafter Mr. Hart moved, seconded by Mrs. Groff, that the above resolutions offered by Mr. Lucas, (titles being read) be taken up at the next meeting, that the questions be reconsidered and entered upon the minutes of the December 8, 1971, meeting.

Mr. Lucas ruled that the motion to reconsider was out of order.

Later Mr. Lucas, publicly, withdrew this ruling. The chair concurs that Mr. Lucas' ruling was in itself out of order for the reason that – whether a point of order is raised or not, all actions in violation of the by-laws are null and void automatically. Our by-laws provides for reconsideration and for the use of Robert's Rules of Order which also provides for motions to reconsider and enter.

The December 8, 1971 meeting then by unanimous vote was recessed to a definite date and never reconvened.

On December 30, 1971, an assemblage of various board members was held and a purported vote taken on the reconsideration heretofore entered on the minutes of the December 8, 1971 meeting. This was NOT convened as a special meeting as the notice did not indicate that the call was for a special meeting and did not list reconsideration or any agenda which under our rules of order must be done. Secondly, it was not signed by members calling the meeting.

Thirdly, the notice merely recited action taken at a previous assemblage of December 16, 1971.

We must not examine the proceedings of the December 16, 1971, meeting. The December 16, 1971 meeting was a special meeting called at the instance and under the signature of two board members. Under the statutes and under our own rules and regulations it must be served on each member at least two days prior to the date of the called meeting. One member, Mr. Hart, did not receive the notice within the required time. A copy of that notice and the envelope within which it was sent shows that the special delivery department of the posal service did not receive this notice until 15 December 1971, which made it physically impossible to serve the notice at least two days prior to the meeting of December 16, 1971.

The attorney general has held and courts have decided that the proceedings of a school board are invalid where the required notice is not given and the member not receiving notice is absent.

The chair therefore rules that:

1. The ruling of Mr. Lucas ruling the motion to reconsider and enter made at the December 8, 1971 meeting to be out of order was itself out of order.
2. The proceedings of the December 16, 1971 meeting are invalid and this includes all votes taken at this meeting including the vote to reconsider and the vote setting a regular meeting for December 30, 1971.
3. That you cannot set a legal meeting at an illegal meeting.
4. Since the last legal meeting was recessed until January 3, 1972 the only meeting that could be called after recess was a special meeting.
5. That the December 30, 1971 meeting was invalid since it was convened as a regular meeting at a special meeting which itself was invalid and no call of a special meeting was made in accordance with the statutes governing special meetings.

6. That proceedings and votes taken at the December 30, 1971 meeting are invalid because of the illegality of the December 30, 1971 meeting.
7. That the Clerk of this board should confer with the president of this board to determine which actions this board would deem it necessary to confirm or ratify.
8. That the motion to reconsider, having never been acted upon, is now before this board under the category of new business and the question to reconsider may now be called up."

I call up the motion on the vote to reconsider the three resolutions which has been pending before this Board since the December 8, 1971 Regular Board Meeting."

Mr. Lucas asked that the record show that the action of the Chair at the January 3, 1972 meeting is invalid because the Board that dealt with this matter as a parliamentary procedure had adjourned sine die and this Board has no jurisdiction whatsoever.

It was moved by Mrs. Groff, seconded by Mr. Ridenour, that the motion to reconsider the three resolutions of December 8, 1971 on integration be brought before the Board for vote.

YEAS: Goodwin, Groff, Ridenour, and Hart – 4

NAYS: Lucas – 1

PASS: Lawson and Sterzer – 2

The motion to reconsider the three resolutions was declared approved.

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[RECONSIDERATION OF RESOLUTION SEEKING JOINT ACTION TO END SEGREGATION IN EDUCATION, HOUSING AND EMPLOYMENT IN THE METROPOLITAN DAYTON AREA]

The Clerk read the Resolution at the request of the Chair:

WHEREAS, the Committee of 75, in reporting to this Board, has called renewed attention to the widespread racial and economic isolation of pupils in the Dayton Public Schools and in schools of the metropolitan Dayton area.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City School District of Dayton:

1. That this Board hereby recognizes and admits that racial and economic segregation exists in the Dayton schools because of the actions and inactions of this and predecessor boards in the establishment of attendance districts, the location and expansion of school buildings, pupil assignment practices, design of curriculum suitable to urban needs, the assignment of teachers and other staff, and the conduct of student activity programs; the past actions or inactions of the Ohio General Assembly, the State Board of Education, and other agencies of Federal, state, and local government in contributing to the development and continuation of segregated housing, education, and employment in the Dayton metropolitan area and other parts of Ohio; and the actions and inactions of lending agencies, real estate interests, employers, unions, private schools, colleges, churches, and other organizations that have reinforced segregation.

2. That this Board recognizes that past actions or inactions of the Board of Education and residential racial segregation are interdependent phenomena.

3. That this Board recognizes that the black minority population of the Dayton metropolitan area, as illustrated by

the existence of schools of opposite racial composition in districts with contiguous district lines, essentially is contained within the central city of Dayton, as a result of discriminatory practices. Such containment works against a viable integrated school system within the city, and the Board asserts that a truly effective solution is possible only through a metropolitan approach.

4. That this Board of Education recognizes that racial and economic integration of student bodies in each school is imperative to providing equal educational opportunity, a broad curriculum capable of serving the individual needs of pupils, and a democratic environment in which future citizens can be prepared to live in America's multi-ethnic society.

5. That this Board views the racial and ethnic mix of the Dayton City School District and of the metropolitan area as assets; that this population, if reflected in each school, could itself contribute to people's learning from each other; and that, as a whole, the metropolitan area represents a nearly ideal cross section of the nation that could permit schools here to become a model of American democracy in action.

6. That this Board hereby invites and urges agencies of the federal, state, and local governments and organizations of religious, business, labor, education, communications, civic service, and real estate to assist the Board in desegregation of Dayton schools and to pledge publicly their accelerated efforts to bring about desegregation in housing, education and employment throughout the Dayton metropolitan area.

7. The the Clerk of the Board be and hereby is directed to forward a true copy of this resolution to the following:

   Area Board of Education Presidents
   Governor of the State of Ohio

President of the State Board of Education
Speaker of the Ohio House of Representatives
President of the Ohio Senate
Montgomery County Members of the Ohio General Assembly and United States Congress
Montgomery County Commissioners
Dayton City Commissioners
Montgomery County Council of Governments
City Plan Board
Miami Valley Regional Planning Commission
Miami Valley Regional Transit Authority
Metropolitan Housing Authority
Apartment Owners Association
Area Progress Council
Assembly of Area Councils
Chairmen of Democratic and Republican Organizations
Community Affairs Committee
Congress of Representative East Dayton Organizations
Dayton Advisory Council on Education
Dayton Area Board of Realtors
Dayton Area Chamber of Commerce
Dayton Area Junior Chamber of Commerce
Dayton Building Trades Council
Dayton Classroom Teachers Association
Dayton-Miami Valley AFL-CIO
Dayton Model Cities Planning Council, Inc.
Dayton Public Service Union
Dayton Urban League
Deans of Area Colleges of Education
Elementary Principals Association
Metropolitan Churches United
Miami Valley Consortium of Colleges and Universities
Montgomery County Community Action Agency

Montgomery County Council of PTAs
National Association for the Advancement of Colored People
Ohio Association of Public School Employees
Presidents Club
Secondary Principals Association
Southern Christian Leadership Conference
Jewish Community Council

Prior to voting on the Resolution the Chair announced that a "Yes" vote would support the Resolution and a "Nay" vote would be one to defeat the Resolution.

YEAS: Lawson, Lucas, and Sterzer – 3
NAYS: Goodwin, Groff, Ridenour, and Hart – 4

The Resolution was declared defeated.

Mr. Lucas left the meeting at this point.

[RECONSIDERATION OF RESOLUTION ASKING STATE ASSISTANCE TO DESEGREGATE PUBLIC SCHOOLS]

The Clerk read the Resolution at the request of the Chair:

RESOLUTION ASKING FOR STATE ASSISTANCE TO DESEGREGATE PUBLIC SCHOOLS

WHEREAS, The Committee of 75 has recommended school integration on a metropolitan basis, and

WHEREAS, the State of Ohio has responsibility and authority for the operation of public schools, and the State Board of Education has the duty to administer the laws relating generally to the operation of the schools, and

WHEREAS, the Ohio Attorney General has ruled that the State Board of Education has the authority to restrict funding in any school district in which said Board finds as a matter of fact that racial segregation exists,

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City School District of Dayton:

1. That this Board hereby petitions the State of Ohio and the State Board of Education (a) to obtain from Ohio Civil Rights Commission, U. S. Office of Education and such other sources as it may deem useful, data on racial isolation of faculty, staffs and pupils within and among the several school districts as presently constituted in the metropolitan Dayton area; (b) to develop guidelines and criteria as may be necessary to assure an educationally and socially viable mix of pupils, within the socio-economic characteristics of the metropolitan area as a whole; (c) to require said districts to cooperate in preparing and implementing a plan for assignment of faculty, staffs and pupils in accordance with said guidelines and criteria, and (d) to assure adequate funding from state and district sources to continue the operation of the schools and the implementation of said plans throughout the period of transition and thereafter.
2. That said plans be developed by September 1, 1972 and fully implemented no later than September 1, 1973.
3. That the Clerk of the Board forward a true copy of this resolution to the Governor of the State of Ohio, the Speaker of the House of Representatives, the President of the Ohio Senate and the President of the State Board of Education.

Prior to voting on the Resolution the Chair announced that a "Yes" vote would support the Resolution and a "No" vote would be one to defeat the Resolution.

YEAS: Lawson and Sterzer
NAYS: Goodwin, Groff, Ridenour, and Hart

The Resolution was declared defeated.

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[RECONSIDERATION OF RESOLUTION ORDERING THE RACIAL AND ECONOMIC INTEGRATION OF PUPILS IN THE DAYTON PUBLIC SCHOOLS]

The Clerk read the Resolution at the request of the Chair:

RESOLUTION ORDERING THE RACIAL AND ECONOMIC INTEGRATION OF PUPILS IN THE DAYTON PUBLIC SCHOOLS

WHEREAS, the Board of Education of the Dayton City School District recognizes a moral and legal duty to provide quality non-segregated education for all students in the district, and,

WHEREAS, integrated education is vital to the achievement of quality education for all pupils, black and white, rich and poor, and,

WHEREAS, the Fourteenth amendment to the United States Constitution and the mandate of the United States Supreme Court in Brown v. Board of Education decision and subsequent court decisions place an affirmative duty to disestablish the segregated attendance patterns which result in whole or in part from its actions and inactions in order to equalize educational opportunity, and,

WHEREAS, segregated educational opportunity and unequal educational opportunities for minority and poor students now exist in the Dayton Public Schools, and

WHEREAS, this inequality exists as a result of the acts and omissions of this Board and preceding Boards in their decisions concerning the site selection of school buildings, size of school buildings, changes and adoption of school attendance boundaries, pupil assignment practices, faculty and staff hiring and assignment practices and,

WHEREAS, this Board has requested and received reports of findings and recommendations from the State Department of Education and the Committee of 75,

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the City School District of Dayton that it is the policy of this Board that each school shall enroll pupils in a manner which substantially reflects the racial and economic characteristics of the district as a whole. The Board recognizes that implementation of this policy requires departure from past practices and requires special planning to assure a smooth transition. The Board therefore directs:

1. That the superintendent in consultation with professional staff and the representatives of employee organizations, design and implement a mandatory program of in-service education involving all staff members to prepare staff for changes in enrollments and to develop an individualized, multi-ethnic curriculum in each school.

2. That Dayton Advisory Council on Education be requested to organize a Community Involvement Advisory Committee and a Lay Citizens Financial Review Committee to advice the superintendent during the course of planning and implementing integration programs, as recommended by the Committee of 75.

3. That the superintendent be and hereby is directed to develop and implement plans for the racial and economic integration of pupils using the following guidelines and criteria:

   a. Attendance districts as presently constituted are rescinded effective September 1, 1972.

   b. No building shall have a racial composition and family income characteristics substantially disproportionate to the district as a whole.

   c. After determination of building capacities and racial and economic characteristics of attendance areas, pupils will be assigned to a school in which such assignment would contribute to a mix as in b. above.

   d. Freedom of Enrollment policy with the exception of transfers for course enrollment shall be eliminated by September 1, 1972.

   e. Desegregation is to be completed by September, 1972.

   f. Nothing herein shall be construed to limit the establishment of magnet, demonstration, specialized or other education complexes, provided that the sites for instruction meet the criteria in c. above.

   g. Transportation shall be held to a minimum, but is specifically included as one means of implementing this policy.

4. That to the maximum feasible extent consistent with this policy statement, recommendations of the Committee of 75, are hereby adopted and may be used in planning and implementing school integration.

5. That the superintendent report on progress and problems concerning implementation of this policy at least every sixty days and that a program for continuous evaluation throughout the phases of implementation be developed by July 31, 1972.

6. That the superintendent prepare applications for supplementary financial assistance from state, federal and other sources that may become available to improve the quality of education and achieve the goals of the Committee of 75 report.

Prior to voting on the Resolution the Chair announced that a "Yes" vote would support the Resolution and a "No" vote would be one to defeat the Resolution.

YEAS: Lawson and Sterzer – 2
NAYS: Goodwin, Groff, Ridenour, and Hart – 4

The Resolution was declared defeated.

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Plaintiffs' Exhibit 8

[STATEMENT AND RULING OF THE CHAIR]

At this time President Hart made the following statement and ruling:

"Gentlemen, since this board has voted to reconsider these questions and has defeated them, the Chair now rules that under the form to reconsider and enter upon the minutes, that this is all that must be done to stop execution upon motions or actions of this Board because that to permit otherwise would deprive the board of its right to reconsider.

Since it is possible that there may have been a premature execution of these questions, the chair further rules:

1. That the superintendent under his signature communicate with all persons and agencies named in said motions advising them of the premature execution thereof, requesting a withdrawal of said premature communications and countermanding the communications that were premature where the premature communication cannot be withdrawn; and that communications upon said motions that were made prior to this date are premature and invalid."

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Mr. Lucas returned to the meeting at this point.

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[STATEMENT OF MRS. GROFF]

The Chair recognized Mrs. Groff who made the following statement:

Mr. President, Members of the Board, and Citizens:

Quoting from THE CREATIVE SOCIETY by Ronald Reagan, "We have the privilege of living on the only island of freedom that is left in the whole world." There is no other place in the world to go. We stand together and defend freedom here or it is gone. We must work together and take a

Plaintiffs' Exhibit 8

stand. If we fail, I think we face telling our children and our grandchildren what it was we found more precious, or more important than freedom.

"Freedom is a fragile thing and is never more than one generation away from extinction. It comes only once to a people. Those who have had it and lost it have never known it again."

The Dayton Schools are the people's business, and every man, woman and child becomes a shareholder with the first penny of tax paid. The most meaningful words of the Constitution are the first three, "We the people."

Therefore, the time has come for the Board to recognize that the schools belong to the people and that the people have a right to know all the facts about their schools.

The time has come for the Board to decide whether we can afford everything we think of simply because we think of it. The time has come to run a check to see if all the services we have taken away from the people or the innovations we have provided are just goodies dreamed up for their supposed betterment. The time has come to balance outgo to income, instead of always doing it the other way around.

What we need is a system of an objective evaluation before changes are implemented. The people should have the opportunity to give their opinion on supposed changes and the Board act on the decisions of the people.

Supporting and implementing the basic principles that have made America great is not turning back the clock but it is taking the dream that has made this country progress, updating it, and making it practical for the 20th century. A High Quality Education which will insure that every child in the Dayton School System can reach his full potential so that he can become a responsible contributing member of society is the goal of this Board of Education.

With these thoughts in mind I would like to present the following three resolutions."

The following Resolution was introduced by Mrs. Groff, seconded by Mr. Ridenour:

RESOLUTION ORDERING DEVELOPMENT OF PLANS THAT ARE WITHIN THE FINANCIAL ABILITY OF THE CITY SCHOOL DISTRICT OF DAYTON FOR IMPROVEMENT OF QUALITY OF EDUCATION.

WHEREAS, the present enrollment patterns of the Dayton Public Schools are not related to the policies or decisions of the Board of Education;

WHEREAS, the racial and economic imbalance that exists in the Dayton Public Schools is not a result of any act of discrimination on the part of the Dayton Board of Education;

WHEREAS, the Constitution of the United States does not require a Board of Education to balance racial concentrations in schools where such racial concentrations are not the result of any act of the Board of Education;

WHEREAS, the Dayton City Schools have been found to be in compliance with HEW rules and regulations as evidenced by the statement of Mr. James Mancini, a compliance review attorney in the Civil Rights Division of HEW;

WHEREAS, no massive movement of pupils back and forth across the City or County could be accomplished without an expenditure of thousands and thousands of dollars;

WHEREAS, the reasons given by the administrators of the Dayton School System for the 10.5 mill additional levy did not include an expenditure for bussing and for other transportation of pupils for the purpose of eliminating economic and/or racial segregation of pupils, nor do the additional State appropriations require this;

WHEREAS, this Board of Education has consistently supported the concept of neighborhood schools;

WHEREAS, the Freedom of Enrollment policy of the Dayton City School District has been considered a successful venture;

WHEREAS, this Board of Education is concerned about all the children of the Dayton City School District and is consistently searching for ways and means to improve the quality of education offered to them and;

WHEREAS, this Board of Education has adopted various plans and approaches toward improvement of the quality of the education offered to the children of Dayton;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the City School District of Dayton that the Superintendent and his staff submit to this Board by the end of the 1971-72 school term a feasibility report and plan that is within the financial ability of the City School District of Dayton, Ohio, providing for improvement in the quality of education offered at each of the schools within this district.

It was moved by Mr. Lucas, seconded by Mrs. Sterzer, that action on the Resolution be tabled.

Roll Call on the Motion to Table:

YEAS: Lawson, Lucas, and Sterzer – 3
NAYS: Goodwin, Groff, Ridenour, and Hart – 4

The motion to table action on the Resolution was declared defeated.

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Roll Call on the Resolution:

YEAS: Goodwin, Groff, Ridenour, and Hart – 4
NAYS: Lawson, Lucas, and Sterzer – 3

The Resolution was declared adopted.

The following Resolution was introduced by Mrs. Groff, seconded by Mr. Goodwin:

RESOLUTION ORDERING DEVELOPMENT OF FEASIBILITY REPORTS AND PLANS FOR PROVIDING FREE TRANSPORTATION OF STUDENTS PARTICIPATING IN THE FREEDOM OF ENROLLMENT PROGRAM IN THE DAYTON PUBLIC SCHOOLS

WHEREAS, the present enrollment patterns of the Dayton Public Schools are not related to the policies or decisions of the Board of Education;

WHEREAS, the racial and economic imbalance that exists in the Dayton Public Schools is not a result of any act of discrimination on the part of the Dayton Board of Education;

WHEREAS, the Constitution of the United States does not require a Board of Education to balance racial concentrations in schools where such racial concentrations are not the result of any act of the Board of Education;

WHEREAS, the Dayton City Schools have been found to be in compliance with HEW rules and regulations as evidenced by the statement of Mrs. James Mancini, a compliance review attorney in the Civil Rights Division of HEW;

WHEREAS, no massive movement of pupils back and forth across the City or County could be accomplished without an expenditure of thousands and thousands of dollars;

WHEREAS, the reasons given by the administrators of the Dayton School System for the 10.5 mill additional levy did not include an expenditure for bussing and for other transportation of pupils for the purpose of eliminating economic and/or racial segregation of pupils, nor do the additional State appropriations require this;

WHEREAS, this Board of Education has consistently supported the concept of neighborhood schools;

WHEREAS, the Freedom of Enrollment policy of the Dayton School District has been considered a successful venture;

WHEREAS, this Board of Education is concerned about all the children of the Dayton City School District and is consistently searching for ways and means to improve the quality of education offered to them and;

WHEREAS, this Board of Education has adopted various plans and approaches toward improvement of the quality of the education offered to the children of Dayton;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the City School District of Dayton that the Freedom of Enrollment policy of the Dayton Public Schools shall be continued with the exception that the Superintendent and his staff be, and hereby are, directed to develop and submit to this Board of Education before the start of the second semester of the 1971-72 school year a feasibility report and plan providing for the free transportation of the students participating in such program.

It was moved by Mr. Lucas, seconded by Mr. Lawson, that the action on the Resolution be tabled.

Roll Call on the Motion to Table:

YEAS: Lawson, Lucas, and Sterzer – 3
NAYS: Goodwin, Groff, Ridenour, and Hart – 4

The motion to table was declared defeated.

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Roll Call on the Resolution:

YEAS: Goodwin, Groff, Ridenour, and Hart – 4
NAYS: Lawson, Lucas, and Sterzer – 3

The Resolution was declared adopted.

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The following Resolution was introduced by Mrs. Groff, seconded by Mr. Goodwin.

RESOLUTION AUTHORIZING ARRANGEMENT OF STUDENT TRANSFERS BETWEEN DAYTON CITY SCHOOL DISTRICTS AND SCHOOL DISTRICTS WITHIN THE DAYTON METROPOLITAN AREA.

WHEREAS, the present enrollment patterns of the Dayton Public Schools are not related on the policies or decisions of the Board of Education;

WHEREAS, the racial and economic imbalance that exists in the Dayton Public Schools is not a result of any act of discrimination on the part of the Dayton Board of Education;

WHEREAS, the Constitution of the United States does not require a Board of Education to balance racial concentrations in schools where such racial concentrations are not the result of any act of the Board of Education;

WHEREAS, the Dayton City Schools have been found to be in compliance with HEW rules and regulations as evidenced by the statement of Mr. James Mancini, a compliance review attorney in the Civil Rights Division of HEW;

WHEREAS, no massive movement of pupils back and forth across the City or County could be accomplished without an expenditure of thousands and thousands of dollars;

WHEREAS, the reasons given by the administrators of the Dayton School System for the 10.5 mill additional levy did

not include an expenditure for bussing and for other transportation of pupils for the purpose of eliminating economic and/or racial segregation of pupils, nor do the additional State appropriations require this;

WHEREAS, this Board of Education has consistently supported the concept of neighborhood schools;

WHEREAS, the Freedom of Enrollment policy of the Dayton City School District has been considered a successful venture;

WHEREAS, this Board of Education is concerned about all the children of the Dayton City School District and is consistently searching for ways and means to improve the quality of education offered to them and;

WHEREAS, this Board of Education has adopted various plans and approaches toward improvement of the quality of the education offered to the children of Dayton;

NOW, THEREFORE, BE IT RESOLVED,

1. That with the concurrence of one or more of the school districts within the Dayton Metropolitan area and following the Freedom of Enrollment guidelines as amended of the Dayton City School District, the Superintendent is authorized to arrange for the payment of tuition for students requesting tuition-paid transfers to schools outside of the Dayton City School District providing, however, (a) that the transfers are arranged during the summer for the succeeding school year, (b) that the entire sum for all such tuition payments paid by the Dayton Board of Education shall not exceed the amount of tuition received by the Board from other school districts during the preceding calendar year and (c) that such transfer shall improve the racial balance of the public schools of the Dayton City School District. It is further suggested that this policy be implemented for 1972-73 school year.

2. That with the concurrence of one or more of the school districts within the Dayton metropolitan area and following the Freedom of Enrollment guidelines as amended of the Dayton City School District the Superintendent, upon mutual exchange of students or upon payment of tuition, is authorized to accept any student from an outlying school district within this District provided that the acceptance of such student at a school within this district shall improve the racial balance of such school.

It was moved by Mr. Lucas, seconded by Mr. Lawson, that action on the Resolution be tabled.

Roll Call on the Motion to Table:

YEAS: Lawson and Lucas – 2
NAYS: Goodwin, Groff, Ridenour, Sterzer, and Hart – 5

The motion to table was declared defeated.

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Roll Call on the Resolution:

YEAS: Goodwin, Groff, Ridenour, and Hart – 4
NAYS: Lawson and Lucas – 2
ABSTENTION: Sterzer – 1

Mrs. Sterzer indicated that she abstained from voting because she felt Mrs. Groff's resolution was not valid since it fell outside the jurisdiction of the Board.

The Resolution was declared adopted.

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[INSTRUCTIONS TO CLERK AND SUPERINTENDENT OF SCHOOLS]

The following motion was introduced by Mrs. Groff, seconded by Mr. Ridenour:

Mr. President:

I move that the Clerk of the Board be and hereby is directed to forward true copies of the three Resolutions to all persons and agencies who received copies of the tentative package of three Resolutions on Racial and Economic Rations, of the December 8, 1971 Board meeting. He shall inform them by separate letter of the three new resolutions, namely: on IMPROVEMENT OF QUALITY OF EDUCATION, on DEVELOPMENT OF PLANS FOR PROVIDING FREE TRANSPORTATION OF STUDENTS PARTICIPATING IN THE FREEDOM OF ENROLLMENT PROGRAM IN THE DAYTON PUBLIC SCHOOLS, and on AUTHORIZING ARRANGEMENT OF STUDENT TRANSFERS BETWEEN THE DAYTON SCHOOL DISTRICT AND SCHOOL DISTRICTS WITHIN THE DAYTON METROPOLITAN AREA. He shall inform them by separate letter of the three resolutions as adopted, and forward a copy of the letter to all members of the Board of Education.

I move also, that the Superintendent is directed to publish in the next issue of SCHOOL DAY Mrs. Groff's introductory remarks and the three resolutions as adopted by the Dayton Board of Education on January 3, 1972.

YEAS: Goodwin, Groff, Ridenour, and Lucas – 4
NAYS: Lawson, Lucas, and Sterzer – 3

The motion was declared approved.

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PLAINTIFFS' EXHIBIT 9

REPORT OF THE COMMITTEE OF 75

Advisory Committee To The Board of Education
To Reduce Racial Isolation and Improve
Educational Opportunities

Dayton Board of Education • 1971

THE COMMITTEE: ITS ORIGIN AND ACTIVITIES

The Committee of 75 was organized to advise the Dayton Board of Education how best to deal with racial and economic isolation in the public schools and improve the quality of education therein.

Origin

It originated in a resolution adopted by the Dayton Board of Education on April 29, 1971.

Resolution to Seek Assistance To Reduce Racial Isolation and Improve Educational Opportunities

WHEREAS, THE Dayton Board of Education recognizes that unequal educational opportunities for minority students now exist, and

WHEREAS, current resources available to the Board have been fully used to extend learning opportunities and are now stretched to their limit, and

WHEREAS, the Congress is considering the Emergency School Assistance Program that may supplement other funds for improving education and reducing racial and economic isolation,

NOW, THEREFORE BE IT RESOLVED that the superintendent of schools be authorized and directed to request the assistance of the State Department of Education, Office of Equal Educational Opportunities, to provide technical assistance for the development and submission to the Board of alternative plans for reducing racial and economic isolation of pupils and improving educational opportunities in the Dayton Public Schools and for developing proposals for outside funding to implement the same, subject to the approval of the Board.

BE IT FURTHER RESOLVED that the President of the Board, in consultation with the Board, appoint a broadly representative committee to evaluate and advise the Board on plans that are developed pursuant to this resolution; and to communicate with and seek the cooperation of civic, governmental, higher educational, religious, communications, labor, business and other segments of the community in the Dayton area regarding such plans.

Meeting first on August 30, 1971, at Frigidaire's Moraine plant auditorium on Springboro Pike, the committee received the following charge from Leo A. Lucas, Board President:

The Charge To
The Advisory Committee of the Board of Education
To Reduce Racial Isolation and Improve
Educational Opportunities

We, the members of the Dayton Board of Education, are deeply grateful for the presence of each of you here this evening. This is an historical event — one that is even more historical than the decision of the Dayton Board of Education of the 1930's to construct the original Dunbar High School.

We recognize, and the statistical data substantiates, the fact that unequal educational opportunities for the poor and black students now exist in the Dayton School District. The Board of Education has gone on record by setting quality integrated education as its goal. We have admitted that the district is guilty of procedures which have led to the racial isolation of school children.

It is this committee's responsibility to establish the evaluation elements to be applied to a developed plan or plans and advise the Dayton Board of Education accordingly. We do hope that you would set up guidelines and/or methods by which the community will become meaningfully involved.

You are an arm of the Dayton Board of Education with the task of supplying input to the Board. It remains the responsibility of the Board of Education to make official approval of your input. We feel very strongly that the establishment of this committee is not an attempt to abdicate its responsibility or delegate its authority, but rather an attempt to utilize the enrichment of citizen participation. It is hoped that the school councils, and organized groups of school-oriented citizens of the school district, will be an avenue you may use for additional participation.

If there be a fear that you are here to architect a master plan for "busing" – "t'ain't true." You are here in an attempt to supply your input of the ingredients for excellency to any plan that the administration and/or consultants may recommend. It is our sincere hope that when a plan is set for implementation, it should be that one or the one that embraces the wishes of the citizens of the Dayton School District and not one imposed by federal, state or court mandate.

Again, we are happy to have your view joined with us to place our input on what may be called The Dayton

Peoples Plan for the elimination of racial and economic isolation among the pupils of the Dayton School District.

Now acting by the authority invested in me as President of the Dayton Board of Education, I hereby officially appoint this committee and also name Dr. Irvin W. Batdorf as Chairman, and request that the termination date be set at December 1, 1971.

At this meeting an address was brought by Dr. William Self, Superintendent of the Charlotte-Mecklenburg school system in North Carolina, setting forth the process of integration accomplished there under order of the courts. Mrs. Virginia McNeal was elected vice-chairman of the Committee and Dr. Irvin W. Batdorf appointed as chairman. To address the problem of racial and economic isolation in each of the areas considered as integral to the operation of the public schools the committee was divided into nine subcommittees, the names of whose personnel appear on pages ii, iii, iv of this report. As listed there the committees include not only the original 75 members but also eleven students who were added to the committee later at the invitation of President Leo Lucas of the Board, in response to growing feeling that more student input was needed.

As a basic document to spark deliberations, each subcommittee member was given a copy of the publication, *Recommendations of the State Department of Education to the Dayton Board of Education* (2). This paper had been sent to each member of the Dayton Board of Education on June 7, 1971, and a copy is filed at the Board offices where the records of the committee of 75 are kept. Pages 13-16 of this paper list ten alternate responses to racial imbalance in the Dayton schools which the State Department did not consider adequate. On pages 16-30, the State Department recommended an eleventh proposal, on the basis of which the subcommittees began their deliberations. This latter recommendation included the substance of a paper by Dr. Charles Glatt

entitled "Parameters and the Future," which was printed in a report made to the Dayton Board of Education on December 15, 1970 bearing the title *School Integration* (14). This report also was made available to each member of the committee together with whatever materials each subcommittee found pertinent to its work. Members also profited much from the advice and wisdom of the schools central office staff through consultants assigned to each subcommittee.

PRIORITIES FOR THE PRESENT

What We Felt

Nothing can replace the experiences we had working with each other because the problem we had tackled forced us to put ourselves on the line. There was literally no place to hide. That's the way it is when you take integration seriously. And that's why something must be said about what we felt, painful and embarrassing as that is.

As we moved ahead, week after week and month after month, short as our time was together, the level of our encounters deepened until, at the end, without our knowing what lay below the surface or expecting what finally did happen, the depth of our relationship to each other suddenly stood revealed. We knew who we were once and for all, and each of us knew what he in particular had to do. I as a white man had to explain to other white men what it's like. The blacks had done their part long since and now it was my turn.

Through the words and the endless explanations came the fear of our black brethren that they were being sold down the river once again. For all of them – without exception – this was an old, old story. As one of them said, "Before I came to Ohio my oldest children were doing all right, but here in Dayton the younger ones are being crippled by segregation. I'm determined to change all that one way or another. We've suffered too long."

When we could not believe we were hearing rightly another black man pounded the nail one more time. "You know," he asked, "what the unemployment rate is for Dayton? – 6 per cent for everyone else and 20 per cent for ghetto blacks. You know how many more blacks you'll find at the Lebanon Correctional Facility? – 4 out of 5. And education – segregated education – is largely to blame."

So it was whitey's turn to be angy, frustrated, utterly down! "Suppose," said one, "we demand integration now. Our report won't have a chance! Better half a loaf than none at all. I can predict just what will happen. They'll never give us a hearing. Better to be Machiavelli than go tilting at windmills with Don Quixote."

So we were honest and shocked by turns until one white man said, "I'm not sure what will happen politically but so long as one black life is being snuffed out I'll go along with pressing for integration now. Hereafter I'm not going to simply listen to what everyone says, I'm ready to take a stand and be a leader, to do what I feel compelled to do and to say what I think ought to happen!"

So some of us switched roles and we all went off to lick our wounds and make what reaccommodations we could with ourselves – with "intellectual honesty" and "practicality" and "confrontation" and "gut feeling." But ever thereafter we all knew – both black and white – that we could not explain to our fellow Daytonians what integration and segregation are all about apart from this embarrassing reference to the deep valley we had walked together.

What We Must Do

Having been "through the mill" of confrontation with each other we accept these priorities for ourselves, and recommend their adoption by the Board and the citizenry of Dayton.

1. Segregated education, because it perpetuates and condones economic and racial isolation, is both illegal and inferior.

2. The school children of Dayton have suffered far too long under the crippling handicaps imposed by racial and economic isolation.
3. We must resolve now as a total community to end inferior segregated education once for all.
4. Time is running out. Unless we act now the divisions generated by segregation will destroy us. Unless we act now court orders may impose upon us what all of us will regret.
5. Initiative in the struggle against segregated education belongs to the Dayton Board of Education. We cannot wait for housing and job patterns to change while we defy the law of the land.
6. To lift the plague of segregated education in Dayton immediate appeal must be addressed to the school systems surrounding Dayton as well as to the appropriate state and national agencies involved.
7. Desegregation is not enough. To end racial and economic isolation we must not rest until we have achieved true integration, until the differing ethnic and racial groups among us are able to live side by side in mutual respect.
8. The personal cost of achieving such true integration will be high because to achieve such integration we must persist in dialogue until the differences that divide us have been resolved. We can no longer allow the fear of busing stifle such dialogue.
9. The financial cost of true integration will also be high. At least 1 per cent of the current budget, exclusive of federal and state grants, should be allocated to this sector.
10. Integrated quality education requires constant vigilance. We must not only develop support systems to undergird every group involved in the changes proposed but we must nurture these groups by continuing attention to curricula, buildings, and in-service training.

What Is Involved

To Impose Racial Isolation on Public Education is Illegal

The 14th amendment to the Constitution of the United States guarantees "equal protection" under law to every citizen, and the Supreme Court has interpreted this provision to mean that "separate educational facilities are inherently unequal" ("Brown v. Board of Education of Topeka" in *Race and Place A Legal History of the Neighborhood School*, by Meyer Weinberg pp. 4, 14, 31, 55, 76, 92, 96) (8). In this 1954 decision the Supreme Court said of black children:

> To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.

Statement of The United States Commission on Civil Rights concerning the "Statement by the President on Elementary and Secondary School Desegregation", May 15, 1970, page 9 (7) is the source of the above statement.

Quality Education

In the spirit of this declaration and in the light of Title VI of the 1964 Civil Rights Act, which put the executive and legislative branches of government solidly behind the judiciary, we as a committee go one step further. *We believe that to impose racial and economic isolation on public education is not only illegal but detrimental to the quality of that education, for both white and black, for both advantaged and disadvantaged.*

Where such isolation breeds alienation, quality must suffer. The twin concerns that created our committee are inseparable.

Quality education cannot thrive where racial and economic isolation of whatever sort divides the children and citizens of one community from those of another.

The reason for this is plain. The quality of any educational system depends upon how well it prepares today's children for tomorrow's world. Tomorrow's world will be integrated and any child who has not been educationally prepared to deal with this world will be severely handicapped. He will receive a distorted view of a multi-racial society that will leave him incapable of dealing with the world as it is. Therefore we believe segregated education to be inherently inferior for ALL children, whether white or black, advantaged or disadvantaged.

Urgency of Action

Since it is clear that segregated education is both illegal and inferior, *it is also clear that the Dayton Board of Education must address itself to this problem since latest reports indicate that 75 per cent of our school children attend schools that are 90 per cent racially isolated.* The Board has already indicated its intention to do so through the resolution that created our committee of 75, and through many statements and actions leading up to that resolution of April 29, 1971.

We now recommend that the Board should not wait for this problem to be solved otherwise, as by a change in attitudes toward public housing patterns or by a non-compliance finding from H.E.W. Without waiting for other cities to take the lead, we recommend that our Board strengthen the impetus initiated by the appointment of our committee to solve this problem by all means within its power now.

The urgency of such action is made clear both by the poor record of Dayton in dealing with racial and economic isolation and by the court actions already taken to force school integration in cities other than Dayton.

Poor record. Where segregated education is concerned the City of Dayton has not been quick to act. In 1926 the State

Supreme Court acted to require the Dayton Ohio School Board to cease forcing Negro children to occupy one part of the school building with their own entrances and exists (*Race and Place,* page 38) (8). The situation was equally stringent in 1966 when the Mayor's Ad Hoc Riot Study devoted two pages of its *Preliminary Report* to a detailed description of the deterioration then being suffered by Dayton's west side schools in buildings, services, equipment, teaching and morale (pages 7-8). It is little wonder then that in 1967 the education task force committee, working under the Dayton Committee on Civil Rights in cooperation with the Ohio State Advisory Committee to the U. S. Commission on Civil Rights took as the focus of its concern "the education of the deprived ghettoized child" and particularly "his inability to learn the required and necessary tasks through the traditional methods practiced by our institutions" (page 2 of *Dayton's Call To Action. Recommendations for the Solution of Human Problems in the Community*) (16). While there was some progress then and the spirit of the community was aroused, our findings five years later indicate that there is still much to be done. One measure of this is a report issued just recently, (November 1971) by the Dayton Public Opinion Center, entitled *How Dayton Views the Public Schools* (4). The last paragraph on page 3 reads as follows:

> Racial conflicts in public schools have been the subject of much newspaper and television coverage in the past few years. Yet even with this type of adverse publicity, more people in the Dayton School District felt that school integration has improved relations between blacks and whites than believed that it has hindered them. A total of 48 per cent believed it was improved and 39 per cent felt that it has worked against interracial relations.

In this attitude there is perhaps some ray of hope. On the other hand the last part of this same paragraph continues:

> People were about evenly divided about whether school

> integration has improved the quality of education received by black students (45 per cent saying it has and 43 per cent saying it has not). Over one-half, however, felt that integration has not improved white students' education. Only 35 per cent responded that it has. (See Table 7).

One can see from this last quotation that we in Dayton still have a long way to go.

Integration in Other Cities

Beyond Dayton we may quote from a recent paper, referred to before in this report, *Statement of the United States Commission on Civil Rights* (7) concerning the "Statement by the President on Elementary and Secondary School Desegregation," issued on May 15, 1970. On page 3 we read:

> The school systems of New Rochelle, New York; South Holland, Illinois; Pasadena and Los Angeles, California; and Pontiac, Michigan, are among those which have been found by the court to have practiced deliberate school segregation in violation of the Fourteenth Amendment. There is no doubt that there are many more instances of school segregation resulting from conscious decisions of school officials than the relative handful that have come to the attention of the courts.

We may now add to this list the school situations in Detroit and Indianapolis. In the former case

> U. S. District Court Judge Stephan J. Roth declared that what appears to be *de facto* segregation in the Detroit School System is actually *de jure* and must be abolished. (*Time*, October 11, 1971, page 23).

In the Pontiac case the U. S. Supreme Court recently refused to "tamper with this city's court-ordered school busing program" (*Journal-Herald*, Wednesday, October 27, 1971).

We in Dayton should note that court orders have hit cities both larger than ours (Los Angeles and San Francisco) and smaller (New Rochelle, Pontiac, Pasadena and South Holland). We should also note from the report quoted that there may be other cities in non-compliance not yet confronted by the courts.

Of particular interest is a letter written by superintendent of schools for the San Francisco Unified School District, Dr. Thomas A. Shaheen, on the eve of the desegregation of that city's elementary schools. Although not under court order San Francisco met the same problems that face all segregated school systems in the process of complying with the law.

> These will not be easy days. What happens to us, not only in the next few weeks, but throughout the year, is tremendously important for San Francisco. I who have a deep commitment, as you know, to the value of desegregation do have many concerns, many uncertainties, about what the year holds. I am sure that there are many of you who have the same deep commitment to desegregation as I do.
>
> I am sure, also, that there are some of you who are still searching in your own minds the extent to which you have a commitment to desegregation.
>
> Yes, I know that some of you do not believe that desegregation is in the best interest of the schools of San Francisco, nor in the best interest of America. I feel that you have reached this position after very careful study of the issues, of the values, of this country, and your professional obligations to the children.
>
> I respect your convictions. Whatever your personal feelings, and mine, we have the obligation to show our students and our community the importance and value of compliance with the law. We can be models at this time of what it means to live in a democracy.
>
> The stakes and the issues which lie before us are high. It goes, I think, to the very heart of whether public school education can continue in this country of ours. . . . (11)

In the light of these facts, both at home and abroad, we believe that the Dayton School Board should address itself to the racial imbalance of segregated education not simply to insure respect for law and order and provide quality education but also to secure that justice and human understanding without which law and order are meaningless. We ask how we can urge law and order on our children and defy the supreme law of the land as interpreted by the Supreme Court. Not long ago the Kerner report was brought up to date by a Federal Commission appointed by President Nixon. It declared that the division of our nation into two armed camps, which was noted two years ago, still exists, only with greater impact now than then. In 1966 over 95 per cent of our nation's black people lived in the North and the majority of these in the city. Now that percentage is greater than ever with whites fleeing to the suburbs and the inner city left black and bankrupt. Under these conditions the "peaceful co-existence" spoken of in the Kerner Report will be increasingly impossible unless strong action is taken. Our time is short! The opposite of integration is disintegration.

Responsibility Beyond Dayton

Since quality integrated education should be available to all, equality of opportunity should be accessible to all children of the Dayton Metropolitan area as also to all children of the State of Ohio. The time is upon us when the old boundary lines are disappearing and there will be no place to run from the changes that must be made. Therefore, the Dayton Board of Education should begin immediately to:

1. Initiate action with the Boards of Education of suburban communities surrounding Dayton, looking toward possible consolidation.
2. Initiate action with the State Board of Education looking toward possible consolidation.

3. Initiate action to insure that dollars expended per student be equalized on a statewide basis. This would require the development of state-established minimal standards and some form of state evaluation.
4. Begin the necessary political action in the state legislature for the above changes to take place through the rule of law.
5. Check with the United States Office of Education concerning possible forms of assistance in pursuing this endeavor.
6. Begin preparing the people of Dayton educationally for the changes which are surely to come.

Attacking Isolation

Racial and economic isolation may be attacked broadly and basically on two fronts: The reassignment of students and the preparation of these students to work, share, learn, and live with each other in a productive way.

Concerning the reassignment of students. Various methods should be analyzed, evaluated and tabulated in order from least traumatic to most. We recognize that under present conditions of racial and economic isolation in Dayton some form of busing would be necessary either to implement or supplement whatever other methods are employed to effect school desegregation.

In no case should we be content with piecemeal desegregation since this procedure tends to focus tensions, fears and hostilities upon specific schools and this in turn creates problems that militate against true integration. At the same time careful attention must be given to the fears arising from distance, safety and busing "out" of the "neighborhood" area.

Preserving the human being. Whatever combination of methods is used, the Board must not allow people to be de-

humanized in the process, i.e., to be treated simply and solely as bodies to be pushed around. Let it be noted that our committee is concerned with true integration not simple desegregation. There is a vast difference between desegregation and integration. Desegregation breaks apart old patterns of isolation and division but integration aims to bring people together in mutual respect rather than mere mutual proximity.

We must emphasize, however, that integration is not intended to erase all identifiable ethnic and racial characteristics nor to homogenize them toward bland conformity. The resulting loss of spiritual and cultural heritage would be immense. Integration does not require that we all copy one another; only that we respect one another, learn from one another and move together toward fruitful achievement contributing to the common good. Individual rights must be protected and expanded but no one can justly claim for himself what he will deny to others.

Continuous curriculum change. Reassignment will be ineffective unless curricula are periodically reshaped, the teaching staff held to strict accountability for productive performance and the facilities used continually reassessed in the light of changing needs. Only so can quality education be made available to all children on an equal basis.

The detailed reports of each subcommittee in the chapters that follow should make this abundantly clear.

Concerning the preparation of people. All the people involved in reassignment should be given some part in the decision-making process by which it unfolds. People excluded from the social processes that affect them are thereby dehumanized and alienated, whether black or white, rich or poor, teacher, students or community residents.

Support systems. All the people involved in reassignment should be undergirded by well thought out *support systems* to make the readjustments called for, whether those affected

be students, teachers, parents, custodians, paraprofessionals, central office staff, clerical staff or community residents.

Funding. The magnitude of such preparation should be acknowledged by the provision of adequate *funds.* Ideals wither without the resources to implement them in a realistic way. At the same time we must remember that while action may be costly, inaction may ultimately be more costly.

Planned immediate action. We recognize that time for change in Dayton has run out! We must act now. But the action we take must be *well planned* to give the persons involved a true opportunity to adjust themselves to the demands placed upon them.

Evaluation. Whatever the process, it must be *evaluated* periodically by a representative group reflecting the entire community to make certain that no segments are given priority at the expense of others.

Summary. The presence and magnitude of the problem before us needs to be recognized by all the citizens of Dayton. Quality integrated education can help stop the flight to the suburbs, break the cycle of poor education, and the lack of job skills which handicap the minorities. The cost of this type of education will be small in relation to the total benefits society will reap.

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PLAINTIFF'S EXHIBIT No. 10

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DESEGREGATION STUDY
DAYTON PUBLIC SCHOOLS

By Doctor Gordon Foster

January 3, 1972

For several years the Dayton School Board, the Dayton Superintendent of Schools, professional school associations, various citizens advisory groups representing the Dayton community, and cooperating governmental agencies have been formulating policies and initiating efforts to equalize opportunities for education in the Dayton schools and improve the learning experience for all children who attend the Dayton system. The elimination of racial imbalance in the schools, the impartial employment and assignment of all staff personnel, a more relevant curriculum, broader community involvement, and an end to racial isolation and discrimination were the major goals to which these groups expressed commitment.

In August of 1967 the Board issued a "Statement of Intent" establishing directions and policies to effectuate these major goals. A "Freedom of Enrollment" policy was initiated in September of 1969. The Dayton Advisory Council on Education was established to advise the superintendent on planning and implementing desegregation efforts. In 1971 the "Committee of 75" was organized as an advisory body to deal with racial isolation in the schools. Outside assistance was arranged through such agencies as the Ohio State Department of Education, the Equal Educational Opportunities Office of the U.S. Office of Education, and the Office of Civil Rights. The Dayton Classroom Teachers Association and the Dayton Principals Association lent support.

All of these activities came to "a head" in a sense on December 8, 1971 when the Dayton Board adopted a series of resolutions committing itself to an integrated system in the fall of 1972. Specifically, it directed the superintendent to develop and implement plans for the racial and economic integration of pupils – by September 1, 1972.

This study is a direct result of the resolutions by the Board on December 8, 1971. Data for the study were furnished by the superintendent and his staff for the most part. The consultant team spent a total of 11 days on site and expedited the completion of the study to the maximum extent possible for two reasons: the study team has commitments beginning in January, 1972, for desegregation studies in other major cities; and the Dayton system will need to proceed with its planning for desegregation in the fall of 1972 as quickly as it can.

It should be noted that adequate pupil locater maps were not available by race or grade level so that recommended changes in pupil assignments had to be estimated on the basis of present elementary attendance areas. Since estimates for September, 1972 assignments also have to be made on the basis of 1971-72 figures, a margin of error must be allowed. It should also be noted that in most desegregation studies the local school administrative staff is by far the most knowledgeable body in terms of finalizing pupil assignments and developing transportation arrangements. The job of the outside expert is primarily to demonstrate possibilities and facilitate ideas and policies for a framework within which the local staff can complete the task.

In developing the Dayton plan an attempt was made to follow these general guidelines:

(1) Equitable treatment of both majority and minority pupils

(2) A plan that would meet constitutional requirements *(**Brown** v. **Topeka** and **Swann** v. **Charlotte-Mecklenburg**)*

(3) Economic feasibility: transportation would be kept to a minimum in getting the schools desegregated

(4) Safety factors would be observed

(5) The concept of schools as "community centers" would be maintained where possible

(6) Available classroom space and building facilities would be used to best advantage

In summary, the Dayton Board of Education and the Dayton Superintendent are to be commended for their leadership and wisdom in deciding to meet constructively the problems of racial and economic isolation in the Dayton schools. It is hoped that this study will provide the impetus to achieve their goals in September, 1972.

CURRENT STATUS OF DESEGREGATION IN DAYTON

The Dayton system has made considerable headway in certain aspects of school desegregation, not so much in others. A summary review will be given here of the current status of desegregation efforts with regard to the school faculties, classified personnel, administrative personnel, pupil assignment, and community and staff involvement.

SCHOOL FACULTIES

Desegregation of school faculties in Dayton has been accomplished under an agreement reached with the Office of Civil Rights (HEW) in 1971. The pattern of assignment has followed basically the court's ruling in *Montgomery* v. *Carr* which indicated that faculties should be assigned to each school in substantially the same racial proportion currently in effect at the elementary and secondary levels in the total system. Thus, 31 per cent of the faculty at X high school would be black if there were approximately 31 per cent blacks employed by the total system as secondary faculty personnel.

According to available data, district assignment and recruitment practices were seeking to maintain this pattern and, at the same time, attempting to improve faculty racial balance in employing new staff.

CLASSIFIED PERSONNEL

"Classified personnel," also known as "noncertificated personnel," for the purposes of this report refers to clerical, custodial, and food service job classifications in the Dayton Public Schools. Information released by the Superintendent's Office states the degree of desegregation of classified personnel as of mid-1971.

(1) While 33 per cent of the clerical personnel within the school system are black, 665 of them are working in predominantly black schools.

(2) While 47 per cent of the custodial personnel within the school system are black, 82 per cent of them are employed in predominantly black schools.

(3) While 39 per cent of the food service personnel within the total school system are black, 83 per cent of them are located in predominantly black schools.

It would appear that blacks hold the lesser-ranked and lower-paying jobs among classified personnel positions. The tendency to find blacks in classified posts stationed in predominantly black schools is common to urban schools; typically, people prefer to work close to home.

ADMINISTRATIVE PERSONNEL

The black-white ratio for administrative personnel as of 1970-71 is portrayed by the following table.

Administrative Posts: Racial Balance, 1970-1971

Position	*White*	*Black*	*% Black*
Central Office[a]	73	29	27.1
Building Principals	51	18	26.1
Assistant Principals	25	17	40.5
(Principals & Assts.)	(76)	(35)	(31.5)
Total Administrative[b]	176	72	29.0

[a] Data taken from Dayton Public Schools "School Integration," a report dated December, 1970, Table 2, p. 17. Under "Central Office" this table excludes personnel classified as "resource teacher," "psychologist," or "child accountant" although including them would not affect the proportion.

[b] All administrators, including those excluded under the "Central Office" category were included.

The 1971-72 comparable data were not available at the time this report was being prepared. It is understood, however, that the proportion of blacks in administrative posts has increased somewhat in the past year.

PUPIL ASSIGNMENT, 1971-72

Pupil assignment data are given in Table I for grades K-5, in Table 2 for grades 6-8, and in Table 3 for grades 9-12. There were 51 school buildings housing regular elementary (K-5) programs; eight of these were really double buildings occupying the same site so that there were only 47 elementary attendance zones. A total of 26,380 pupils were assigned at this level with a racial pattern of 44.4 per cent black.

There were five middle schools and 34 additional elementary

buildings housing grades 6-8. Pupils in these grades totalled 12,298, and 44.9 per cent of them were black.

There were 11 high schools. Patterson Co-op drew pupils from the entire system so that there were only 10 high school attendance zones. Grades 9-12 included 16,464 students, 38.3 per cent of whom were black.

A summary of student enrollment by race in 1971-72 is given in Table 4A, and a summary of attendance areas in Table 4B.

These data indicate the existence of severe racial isolation in pupil assignment patterns. If the criterion of "90 per cent or more pupils being of one race" is used to define a racially identifiable or racially segregated school then 40 of the elementary schools were segregated insofar as pupils in grades K-5 were concerned. Three middle schools and 7 high schools were also segregated under this criterion.

If the criterion of "more than 15 percent above or below the average racial distribution" is used to define a segregated school – a guideline that has been used in some cities and states – only five Dayton schools would be nonsegregated: Fairport, Hawthorne, McGuffey, Colonel White, and Patterson Co-op.

The characteristics of economic isolation, or a concentration of pupils in schools by similar family income levels, are equally clear although the data are not as readily available. Using Title 1 (ESEA) eligibility as an indicator of income levels (Table 4C), it is apparent that a high concentration of low-income families is assigned to schools in the southern and central parts of the district.

COMMUNITY AND STAFF INVOLVEMENT

On August 30, 1971, at its first meeting, the Committee of 75 heard the president of the Board comment that data showed "unequal educational opportunities for the poor and black students now exist in the Dayton School District . . ./and/that

the district is guilty of procedures which have led to the racial isolation of school children."

Community involvement to correct this situation was encouraged by the Committee of 75's recognition of the fact that desegregation — the physical mix of races in enrollment patterns — was not enough; that integration — living and working "side by side in mutual respect" was the necessary goal for the Dayton school community.

Other examples of good communications existing between the schools and the community are the passage of school millage funds, the activities of the Dayton Advisory Council on Education (DACE), the various programs with the Office of Economic Opportunity and other community agencies, plus the large amount of coverage given schools in the news media.

Communication has also occurred with employee groups through involvement of faculty and staff on committees, in interracial workshops, and in various efforts to complete faculty and staff desegregation successfully. The program of Equal Educational Opportunities in the Dayton Schools is to be commended for its efforts in this regard in working with staff, with students, and with the community.

RECOMMENDATIONS FOR DESEGREGATION OF PUPILS

The Board in its December 8 resolutions rescinded attendance zones as presently constituted, effective September 1, 1971 and asked for pupil assignment to schools by race and family income characteristics substantially proportionate to the total system pattern.

MIDDLE SCHOOLS

The first step in fulfilling this resolution would logically be the completion of the middle school program already stated.

Recommendation 1. — All pupils in grades 6-8 should be assigned to middle schools in September, 1972.

This will require establishing 10 present elementary buildings as middle schools. Based on data obtained from the administrative staff, on data in the recent Ohio State *Educational Facilities Evaluation*, and on team site visits and discussion the following schools were recommended as new middle schools:

Jane Addams	Lincoln
Belmont Elementary	Meadowdale
Brown	Webster
Gettysburg	Westwood
Grant	Wogaman

These schools are located around the district in such a way as to complement the five existing middle schools. Even though the buildings cannot be prepared as proper middle school fafilities for several years, the change should be made immediately.

Dayton's adoption of the "middle school" concept is educationally sound and, coordinated with the direction toward a unitary school system, can achieve two goals. One, education for pre-adolescents and early adolescents can be improved. Two, the resultant rezoning of attendance areas around middle schools can aid desegregation.

The middle school as a concept is in many ways comparable to junior high schools. They are intended to provide an orderly transition in learning experiences from the homeroom, one-teacher organization of the elementary school to the platoon system of the high school with the student's being expected to exert more self-direction. Many "middle schools" originated because a junior high school had to take in the sixth grade (or possibly the fifth and sixth) to relieve crowded conditions in elementary schools. Sometimes this caused a review of the curriculum.

Table 1

Student Enrollment by School and Race
Pre-Kindergarten and Grades K-5
Dayton Public Schools, 1971-72

	Pre-Kdg.		Kdg.		Gr. 1-5		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W	B	W	B	W		
Jane Addams	33	5	41	8	214	67	10	2	298	82	380	78.4
Allen	0	0	0	58	3	377	0	0	3	435	438	0.7
Belle Haven	0	0	7	101	39	473	0	0	46	574	620	7.4
Belmont Elementary	0	0	0	72	0	287	0	0	0	359	359	0.0
Brown	0	0	0	129	2	582	0	0	2	711	713	0.3
Carlson	0	0	51	1	333	1	0	0	384	2	386	99.5
Cleveland	0	0	0	152	1	725	0	0	1	877	878	0.1
Drexel	0	0	1	74	23	335	1	7	25	416	441	5.7
Eastmont	0	0	0	63	0	313	0	0	0	376	376	0.0
Edison	89	0	103	1	436	1	15	0	643	2	645	99.7
Emerson	6	57	8	68	22	411	0	15	36	551	587	6.1
Fairport	0	0	58	102	274	398	2	7	334	507	841	39.7
Fairview	0	0	6	65	19	382	0	4	25	451	476	5.3
Ft. McKinley	0	0	0	50	5	247	0	0	5	297	302	1.7
Franklin	0	0	0	90	0	534	0	8	0	632	632	0.0
Gardendale	32	5	43	19	211	88	0	0	286	110	396	72.2
Gettysburg	0	0	6	47	39	274	0	0	45	321	366	12.3
Grant	0	0	0	89	3	358	0	0	3	447	450	0.7
Greene	47	1	42	1	463	18	7	0	559	20	579	96.5
Hawthorne	23	13	15	41	61	176	0	0	99	230	329	30.1
Hickorydale	0	0	10	47	34	194	0	8	44	249	293	15.0
Highview	40	0	73	0	349	10	15	0	477	10	487	97.9
Huffman	0	40	0	71	1	505	0	9	1	625	626	0.2
Irving	78	1	102	0	576	3	20	0	776	4	780	99.5
Jackson Elementary	0	0	0	0	291	1	10	0	301	1	302	99.7

Table 1

Student Enrollment by School and Race
Pre-Kindergarten and Grades K-6
Dayton Public Schools, 1971-72

	Pre-Kdg.		Kdg.		Gr. 1-6		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W	B	W	B	W		
Jackson Primary	138	0	136	0	397	6	0	0	671	6	677	99.1
Jefferson Elementary	0	0	0	0	762	75	23	0	785	75	860	91.3
Jefferson Primary	0	0	100	35	443	51	0	0	633	86	719	88.0
Kemp	0	0	6	79	35	444	0	4	41	527	568	7.2
Lawton	0	0	0	54	1	252	0	7	1	313	314	0.3
Lincoln	0	0	1	113	2	518	2	8	5	637	642	0.8
Loos	0	0	4	65	27	317	1	4	32	386	418	7.7
Horace Mann	0	0	0	35	0	154	0	0	0	189	189	0.0
McGuffey	39	34	35	69	151	315	0	7	225	415	640	35.2
McNary	40	0	69	0	316	0	8	0	433	0	433	100.0
Meadowdale	0	0	0	42	2	256	0	0	2	298	300	0.7
Miami Chapel	127	0	0	0	354	0	0	0	481	0	481	100.0
Patterson Elementary	0	39	0	50	1	341	0	0	1	430	431	0.2
Residence Park Elementary	0	0	0	0	286	1	8	0	294	1	295	99.7
Residence Park Primary	0	0	102	0	346	1	0	0	448	1	449	99.8
Ruskin	0	37	0	77	0	436	0	15	0	565	565	0.0
Shiloh	0	0	0	61	5	304	0	0	5	365	370	1.4
Shoup Mill	0	0	0	20	1	116	0	0	1	136	137	0.7
Louise Troy	0	0	143	0	447	2	0	0	590	2	592	99.7
Valerie	0	0	6	18	25	116	0	3	31	187	218	14.2
Van Cleve	11	23	15	113	87	511	0	0	113	647	760	14.9
Washington	16	16	16	66	59	451	1	9	92	542	634	14.5
Weaver	129	0	114	0	734	3	21	0	998	3	1001	99.7
Webster	0	0	0	60	1	273	0	4	1	337	338	0.3
Westwood	54	0	107	0	586	5	17	0	764	5	769	99.3

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Table 1

Student Enrollment by School and Race
Pre-Kindergarten and Grades K-5
Dayton Public Schools, 1971-72

	Pre-Kdg.		Kdg.		Gr. 1-5		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W	B	W	B	W		
Wogaman	43	0	87	0	499	1	14	0	643	1	644	99.8
Gorman							12	89	12	89	101	11.9
Kennedy							24	129	24	129	153	15.7
TOTAL BLACK	945		1597		8966		211		11719			
TOTAL WHITE		271		2296		11755		339		14661		
TOTAL ENROLLMENT		1216		3893		20721		550		26380	26380	44.4

Table 2

Student Enrollment by School and Race
Grades 6-8
Dayton Public Schools, 1971-72

	Gr. 6-8		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W		
Jane Addams	187	23	7	1	174	24	193	87.3
Allen	1	190	0	0	1	190	191	0.5
Belle Haven	56	318	0	0	56	318	374	15.0
Belmont Elementary	0	183	0	0	0	183	183	0.0
Brown	9	345	0	0	9	345	354	2.5
Carlson	187	1	0	0	187	1	188	99.5
Cleveland	3	365	0	0	3	365	368	0.8
Cornell Hgts M.S.	567	217	0	0	567	217	784	72.3
Drexel	14	142	0	4	14	146	160	8.7
Eastmont	0	231	0	0	0	231	231	0.0
Emerson	10	210	0	9	10	219	229	4.4
Fairview	30	233	0	2	30	235	265	11.3
Ft. McKinley	2	147	0	0	2	147	149	1.3
Gardendale	114	43	0	0	114	43	157	72.6
Gettysburg	42	190	0	0	42	190	232	18.1
Grant	1	198	0	0	1	198	199	0.5
Hickorydale	23	112	0	4	23	116	139	16.5
Highview	209	5	9	0	218	5	223	97.8
Huffman	0	268	0	5	0	273	273	0.0
Jackson Elementary	407	2	14	1	421	3	424	99.3
Lawton	1	152	0	4	1	156	157	0.6
Lincoln	5	314	0	5	5	319	324	1.5
Longfellow M.S.	485	325	24	4	509	329	838	60.7
Loos	6	205	0	2	6	207	213	2.8
Horace Mann	2	93	0	0	2	93	95	2.1

Table 2

Student Enrollment by School and Race
Grades 6-8
Dayton Public Schools, 1971-72

	Gr. 6-8		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W		
MacFarlane M.S.	858	5	58	0	916	5	921	99.5
McGuffey	47	159	0	4	47	163	210	22.4
Meadowdale	41	181	0	0	41	181	222	18.5
Patterson Elementary	1	187	0	0	1	187	188	0.5
Residence Park Elementary	393	1	13	0	406	1	407	99.8
Ruskin	1	260	0	8	1	268	269	0.4
Shiloh	0	180	0	0	0	180	180	0.0
Shoup Mill	2	68	0	0	2	68	70	2.9
Valerie	15	108	0	1	15	109	124	12.1
Webster	1	152	0	2	1	154	155	0.6
Westwood	538	1	10	0	548	1	549	99.8
Whittier M.S.	721	4	23	0	744	4	748	99.5
Wogaman	335	1	8	0	343	1	344	99.7
Or. Wright M.S.	57	877	8	21	65	898	963	6.7
TOTAL BLACK	5351		174		5525			
TOTAL WHITE		6696		77		8773		
TOTAL ENROLLMENT		12047		251		12298	12298	44.9

Table 3

Student Enrollment by School and Race
Grades 9-12
Dayton Public Schools, 1971-72

	Gr. 9-12		Sp. Ed.		Ungraded		Total		Total	% Bl.
	B	W	B	W	B	W	B	W		
Belmont H. S.	54	1923	2	60			56	1983	2039	2.7
Dunbar	1284	0	85	0			1369	0	1369	100.0
Fairview	272	1154	0	0			272	1154	1426	19.1
Kiser	45	657	2	27			47	684	731	6.4
Meadowdale H. S.	82	1639	13	44			95	1733	1828	5.2
Patterson Co-op	546	1218	0	0			546	1218	1764	31.0
Roosevelt	1577	1	113	0			1690	1	1691	99.9
Roth	1080	38	69	4			1149	42	1191	96.5
Stivers	147	1014	7	79			154	1093	1247	12.3
Colonel White	757	918	36	18			793	934	1727	45.9
Wilbur Wright	68	1230	6	46			74	1276	1350	5.5
Continuing Education					35	20	35	20	55	63.6
Home Teaching			20	28			20	28	46	43.5
TOTAL BLACK	5912		353		35		6300			
TOTAL WHITE		9842		302		20		10164		
TOTAL ENROLLMENT		15754		655		55		16464	16464	38.3

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TABLE 4A

STUDENT ENROLLMENT BY RACE: SUMMARY
DAYTON PUBLIC SCHOOLS, 1971-72

	Black	White	Total	%Black
Pre-Kg and Grades K-5	11,719	14,661	26,380	44.4
Grades 6-8	5,525	6,773	12,298	44.9
Grades 9-12	6,300	10,164	16,464	38.3
TOTALS	23,544	31,598	55,142	42.7

TABLE 4B

ATTENDANCE AREAS: SUMMARY
DAYTON PUBLIC SCHOOLS, 1971-72

47 elementary attendance areas: Map I
(primary and elementary units on same site are counted as one attendance area)

5 middle school attendance areas: Overlay I

10 high school attendance areas: Map II
(Patterson Co-op, not on attendance area)

TABLE 4C

TITLE I ELIGIBLE SCHOOLS, 1971-72

NAME OF SCHOOL	Grade Span	Numbers of Children Residing in Attendance Areas: Public School Enrollment	Non Public Enrollment	Not Enrolled Drop Outs	Total	From Low Income Families: Number	From Low Income Families: Percent	1971-72 Estimated Number of Children Who Will Participate in Title I Activities from the Eligible Schools Below: Public	Non Public	Total
A	B	C	D	E	F	G	H	I	J	K
Edison	K-5	579	20	...	599	296	49.4	120	...	120
MacFarlane Mid.	6-8	998	31	...	1,029	489	47.9	...	...	...
Weaver	K-5	959	25	...		457	47.5	120	...	120
Irving	K-5	612	33	...	645	265	44.0	80	...	80
Grace A. Greene	K-5	551	25	...	576	243	42.2	40	...	40
McGuffey	K-8	781	82	...	863	343	39.6	80	...	80
Jackson	K-8	1,294	...	...	1,294	498	38.5	120	...	120
Miami Chapel-Troy	K-5	969	33	...	1,002	333	38.2	120	...	120
Roosevelt H.S.	9-12	1,582	222	575	2,379	714	30.0	...	...	...
Wogaman	K-8	954	30	...	984	288	29.3	40	...	40
Dunbar H.S.	9-12	1,222	73	195	1,490	430	28.9	...	...	...
Highview	K-8	715	30	...	745	211	28.8	40	...	40
Whittier Middle	6-8	807	33	...	840	202	24.1	...	...	...
Hawthorne	K-5	343	84	...	427	99	23.2	40	...	40
Emerson	K-8	872	204	...	1,076	227	21.1	80	...	80
Gardendale	K-8	526	...	...	526	106	20.2	40	...	40
Stivers H.S.	9-12	1,062	250	225	1,537	293	19.1	...	...	...
Huffman	K-8	887	53	...	945	174	18.4	40	...	40
Jefferson	K-5	1,598	104	...	1,702	303	17.8	80	...	80
Longfellow Mid.	6-8	941	305	...	1,246	210	16.9	...	...	...
Kiser H.S.	9-12	634	193	278	1,105	175	15.8	...	...	...
Jane Addams	K-8	579	...	...	579	91	15.7	40	...	40
Ruskin	K-8	813	98	...	911	132	14.5	40	...	40
Colonel White H.S.	9-12	1,676	340	130	2,146	304	14.1	...	...	...
Patterson	K-8	563	53	...	616	87	14.1	40	...	40
Van Cleve	K-5	778	350	...	1,128	157	14.0	40	...	40
Westwood	K-8	1,322	20	...	1,342	188	14.0	40	...	40
Washington	K-8	622	70	...	692	97	14.0	40	...	40
Roth H.S.	9-12	1,143	50	118	1,311	180	13.7	...	...	...
McNary	K-5	417	26	...	443	60	13.5	40	...	40

Patterson	K-8	505	53	...	616	87	14.1	40	...	40
Van Cleve	K-5	778	350	...	1,128	157	14.0	40	...	40
Westwood	K-8	1,322	20	...	1,342	188	14.0	40	...	40
Washington	K-8	622	70	...	692	97	14.0	40	...	40
Roth H.S.	9-12	1,143	50	118	1,311	180	13.7	...	...	...
McNary	K-5	417	26	...	443	60	13.5	40	...	40
Carlson	K-8	574	25	...	599	70	11.7	...	...	...
Lincoln	K-8	979	60	...	1,039	80	7.7	...	...	...
Cornell Hgts. Mid.	6-8	788	68	...	856	63	7.4	...	...	...
Residence Park	K-8	1,208	30	...	1,238	87	7.1	...	...	...
Franklin	K-5	666	104	...	770	44	5.7	...	...	...
Orville Wright Mid.	6-8	954	325	...	1,279	70	5.5	...	...	...
Allen	K-8	625	205	...	830	42	5.1	...	...	...
Webster	K-8	502	41	...	543	27	5.0	...	...	...
Wilbur Wright H.S.	9-12	1,213	223	324	1,760	77	4.3	...	...	...
Drexel	K-8	621	...	...	621	21	3.4	...	...	...
Fairport	K-5	775	68	...	843	26	3.1	...	...	...
Cleveland	K-8	1,264	596	...	1,860	26	1.9	...	...	...
Hickorydale	K-8	471	42	...	513	8	1.6	...	...	...
Fairview H.S.	9-12	1,279	298	194	1,771	26	1.5	...	...	...
Gettysburg	K-8	607	60	...	667	9	1.4	...	...	...
Belmont H.S.	9-12	1,893	162	295	2,350	33	1.4	...	...	...
Belmont Elementary	K-8	596	690	...	1,286	18	1.4	...	...	...
Fort McKinley	K-8	451	101	...	552	7	1.3	...	...	...
Brown	K-8	1,063	233	...	1,296	15	1.2	...	...	...
Lewton	K-8	491	150	...	641	7	1.1	...	...	...
Fairview Elementary	K-8	777	211	...	988	7	0.7	...	...	...
Kemp	K-5	609	208	...	817	6	0.7	...	...	...
Loos	K-8	674	215	...	889	5	0.6	...	...	...

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Numbers of Children Residing in Attendance Areas

1971-72

NAME OF SCHOOL	Grade Span	Public School Enrollment	Non Public Enrollment	Not Enrolled Drop Outs	Total	From Low-Income Families		Estimated Number of Children Who Will Participate in Title I Activities from the Eligible Schools Below		
						Number	Percent	Public	Non Public	Total
A	B	C	D	E	F	G	H	I	J	K
Grant	K-8	651	217	...	868	4	0.5	...	...	...
Meadowdale H.S.	9-12	1,680	220	158	2,058	10	0.5	...	...	...
Valerie	K-8	423	63	...	486	2	0.4	...	...	...
Shiloh	K-8	632	489	...	1,121	3	0.3	...	...	...
MeadowdaleElementary	K-8	575	252	...	827	2	0.3	...	...	...
Belle Haven	K-8	1,028	253	...	1,281	2	0.2	...	...	...
Eastmont	K-8	659	180	...	839	0	0.0	...	...	...
Horace Mann	K-8	323	207	...	530	0	0.0	...	...	...
Shoup Mill	K-8	284	20	...	304	0	0.0	...	...	...
Patterson Co-op H.S.	9-12	1,710	...	47	1,757	235	13.4*	...	...	...
Gorman	(Spec)	105	...	...	105	14	13.4*	...	...	...
Kennedy	(Spec)	165	...	...	165	22	13.4*	...	...	...
Others in School	(Spec)	126	...	11	137	18	13.4*	...	...	...
TOTAL		54,240	8,858	2,550	65,648	8,788	13.4			

*District-wide Schools

June, 1971

Plaintiffs' Exhibit 10

Plaintiffs' Exhibit 10

[PHOTO OMITTED]

School organization of grades has, historically, been determined not always by educational research but often by state legislation or by physical facilities. The middle school can be an administrative aid in solving some problem such as racial isolation, but research indicates that it should be, if properly handled, a way to improved education.

The Dayton middle schools should offer eventually such things as differentiated staffing and team teaching, modular scheduling, short exploratory courses, a wide range of electives and activities, increased emphasis upon student government, and greater concern about and communication with the community.

The middle school, beginning with grade 5 or 6 and ending with grade 8 is for that "between-ager" or transitional period covering early adolescence. Grades 6 to 8 cover this 11 to 13 year-old age span and constitute the most common middle school grouping. It cannot follow either an elementary or secondary model in content or process; it must focus upon the problems of puberty and understand the needs of the learners at this age. Research indicates that youngsters are reaching physical and social maturity earlier.

The middle school should not be established merely as an aid to desegregation. While it might permit children to get out of segregated neighborhood schools at an earlier age, high quality education will not result without careful preplanning of the instructional program. This "planning" can be simultaneous with the preliminary work which is necessary to develop an effective, integrated school system.

CLOSING SCHOOLS

The Dayton system does have some extra space available in some of its schools, and the student population projection indicates a declining number of students over the next five years. Some of the older, less-suitable buildings could therefore be abandoned.

Recommendation 2. — Hawthorne Elementary, Washington Elementary, Ft. McKinley Elementary, and Roosevelt High School should be closed as regular classroom facilities by September, 1972.

Hawthorne was originally constructed in 1887 with an addition in 1909. It is in a poor location hemmed in by an interstate highway and has an inadequate site of 0.8 acres. Washington was originally constructed in 1898 with additions in 1926 and 1969. It is on an inadequate site of 2.3 acres. Ft. McKinley is a newer building (1924) but is rated as inadequate for an instructional facility. Its site is only 2.7 acres. Roosevelt High is generally considered to be the least adequate Dayton high school facility with a poor site of 5.2 acres.

ELEMENTARY ASSIGNMENTS, 1972-73

Elementary attendance zones for 1971-72 are illustrated on Map 1 and middle school zones on Overlay 1. If two elementary schools discontinued (leaving Ft. McKinley as operational for the moment) and 10 elementary schools are changed to middle schools, a total of 35 elementary attendance zones would remain (Overlay 2). Estimated enrollment figures are given for these (Table 5) and for the 15 middle school zones that would be hypothetically created (Table 6 and Overlay 3). Without considering prekindergarten children as part of the basic K-5 pattern, it is possible to desegregate these elementary schools by leaving four of them as they are and by joining the remaining schools in 11 clusters (Table 7).

Recommendation 3. — The following assignment of K-5 pupils to elementary attendance zones be made September, 1972.

Fairport:	same as 1971-72
McGuffey:	same as 1971-72

Drexel:	same as 1971-72 plus Jane Addams zone
Gardendale:	same as 1971-72 plus 2/3 of Gettysburg zone
Cluster A:	Irving (Kg-1)
	Emerson (Gr. 2-5)
	Patterson (Gr. 2-5)
Cluster B:	Eastmont (Kg-2)
	Lewton (Kg-2)
	MC-LT (Gr. 3-5)
Cluster C:	Cleveland (Kg-2)
	Highview (Gr. 3-5)
	Mann (Kg-2)
Cluster D:	Carlson (Kg-1)
	Huffman (Gr. 2-5)
	Ruskin (Gr. 2-5)
Cluster E:	Van Cleve (Kg-1)
	Edison (Gr. 2-5)
Cluster F:	Jefferson (Kg-2)
	Fairview (Gr. 3-5)
	Valerie (Gr. 3-5)
Cluster G:	Belle Haven (Kg-2)
	Jackson (Gr. 3-5)
	Ft. McKinley (out)
Cluster H:	Allen (Kg-2)
	Kemp (Kg-2)
	Res. Pk. (Gr. 3-5)
Cluster I:	Hickorydale (Kg-2)
	Loos (Kg-2)
	Weaver (Gr. 3-5)
Cluster J:	Franklin (Kg-2)
	Greene (Gr. 3-5)

Cluster K: McNary (Kg-2)
Shoup Mill (Gr. 3-5)
Shiloh (Gr. 3-5)

The redistribution would leave all elementary schools within a range of 27.6 per cent black to 54.5 per cent black with most of the schools hovering closely to the 44.9 overall average. An effort was also made to cluster schools by economic levels. Table 7A illustrates the percentage of Title 1 (ESEA) families in each assigned cluster.

It should be noted that a total of 34 elementary (K-5) attendance areas would be left with Ft. McKinley not used. The clustered zones are based on the revised zones and not the current 1971-72 attendance areas.

Recommendation 4. — The assignment of pupils to carry out Recommendation 3 should be made in each of the clusters by the principals affected in cooperation with the central office staff. Pupils moved should in all cases be the farthest located from their present school assignment where a choice has to be made.

MIDDLE SCHOOL ASSIGNMENTS, 1972-73

Estimated enrollment for the 15 revised – but hypothetical – middle school zones is shown in Table 6. These are all contiguous zones made up merely as a paper operation to establish an intermediate base for final recommendations for the middle schools. Estimated enrollment figures for the recommended desegregation plan for middle schools are given in Table 8 and zones are shown on Overlay 5. The school zones listed are 1971-72 assignment areas. Thus, Jane Addams Middle School would be assigned pupils from the current Jane Addams Elementary zone, the Drexel zone, and the Shoup Mill zone.

TABLE 6

ESTIMATED ENROLLMENT BY SCHOOL AND RACE
REVISED ELEMENTARY SCHOOL ZONES
PRE KINDERGARTEN AND GRADES K-6
DAYTON PUBLIC SCHOOLS

	Pre Kdg.		Kdg.		Gr. 1-5		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W	B	W	B	W		
Allen	0	0	0	88	4	513	0	2	4	603	607	0.1
Belle Haven	0	0	7	101	30	473	0	0	46	574	620	7.4
Carlson	21	0	94	1	582	2	7	0	704	3	707	99.6
Cleveland	0	0	0	176	1	821	0	0	1	997	998	0.1
Drexel	33	5	42	82	237	402	11	9	323	498	821	39.3
Eastmont	0	0	0	122	2	552	0	0	2	674	676	0.3
Edison	112	13	118	42	497	177	15	0	742	232	974	76.2
Emerson	8	57	8	68	22	411	0	15	38	551	587	6.1
Fairport	0	0	58	102	274	398	2	7	334	507	841	39.7
Fairview	0	0	6	130	20	673	0	4	26	807	833	3.1
Ft. McKinley	0	0	0	50	5	247	0	0	5	297	302	1.7
Franklin	8	8	8	123	30	760	0	12	46	903	949	4.8
Gardendale	32	5	48	55	241	291	0	0	321	351	672	47.8
Greene	47	1	42	1	463	18	7	0	559	20	579	96.5
Hickorydale	0	0	11	58	43	263	0	8	54	329	383	14.1
Highview	62	0	117	0	599	10	22	0	800	10	810	98.8
Huffman	0	40	0	101	1	642	0	11	1	794	795	0.1
Irving	78	1	102	0	576	3	20	0	776	4	780	99.5
Jackson	138	0	136	0	688	7	10	0	972	7	979	99.3
Jefferson	0	0	190	35	1205	126	23	0	1418	161	1579	89.8
Kemp	8	8	14	112	64	669	1	9	87	798	885	9.8
Lawton	0	0	0	84	2	371	0	7	2	462	464	0.4
Loos	0	0	4	129	28	608	1	4	33	741	774	4.3

TABLE 5

ESTIMATED ENROLLMENT BY SCHOOL AND RACE
REVISED ELEMENTARY SCHOOL ZONES
PRE-KINDERGARTEN AND GRADES K-5
DAYTON PUBLIC SCHOOLS

	Pre Kdg.		Kdg.		Gr. 1-5		Sp. Ed.		Total		Total	% Bl.
	B	W	B	W	B	W	B	W	B	W		
Horace Mann	0	0	0	83	0	345	0	0	0	428	428	0 0
McGuffey	39	34	35	59	151	315	0	7	225	415	640	35 2
McNary	53	0	96	0	462	1	12	0	623	1	624	99 9
MC – LT	127	0	143	0	801	2	0	0	1071	2	1073	99 8
Patterson Elementary	0	39	1	108	2	599	1	4	4	748	752	0 5
Residence Park	41	0	182	0	1072	6	21	0	1316	8	1327	99 5
Ruskin	0	37	0	134	1	694	1	19	2	884	886	0 2
Shiloh	0	0	0	61	5	304	0	0	5	365	370	1 4
Shoup Mill	0	0	0	20	1	116	0	0	1	136	137	0 7
Valerie	0	0	6	60	27	422	0	3	33	485	518	6 4
Van Cleve	11	23	15	113	87	511	0	0	113	647	760	14 9
Weaver	129	0	114	0	734	3	21	0	998	3	1001	99 7
Gorman							12	89	12	89	101	11 9
Kennedy							24	129	24	129	153	15 7
TOTAL BLACK	945		1597		8368		211		11719			
TOTAL WHITE		271		2296		11756		330		14661		
TOTAL ENROLLMENT		1216		3893		20721		550		26380	26380	44 4

TABLE 6
ESTIMATED ENROLLMENT BY SCHOOL AND RACE
REVISED MIDDLE SCHOOL ZONES, GRADES 6-8
BASED ON REVISED ELEMENTARY ATTENDANCE ZONES
DAYTON PUBLIC SCHOOLS

	Gr. 6-8 & Sp. Ed.			
	B	W	Total	%Bl.
Jane Addams M.S.				
Dravel	188	170	358	
	188	170	358	52.5
Belmont M.S.				
Mann	2	215	217	
Cleveland	3	426	429	
	5	641	646	0.8
Brown, M.S.				
Fairview	34	408	442	
Loos	11	379	390	
Shoup Mill	2	68	70	
	47	855	902	5.2
Cornell Hgts. M.S.				
Fairport	199	208	407	
Jefferson	667	24	691	
	866	232	1098	78.9
Gettysburg M.S.				
Ft. McKinley	2	147	149	
Gardendale	145	185	330	
Hickorydale	34	164	198	
	181	496	677	26.7
Grant M.S.				
Eastmont	1	363	364	
Lewton	1	222	223	
	2	585	587	0.3
Lincoln M.S.				
Huffman	0	350	350	
Ruskin	4	427	431	
	4	777	781	0.5

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TABLE 6 (Cont'd)

	Gr. 6-8 & Sp. Ed. B	Gr. 6-8 & Sp. Ed. W.	Total	%Bl.
Longfellow M.S.				
Greene	235	4	239	
Van Cleve	56	238	294	
	291	242	533	54.6
MacFarlane M.S.				
Edison	349	74	423	
Weaver	394	2	396	
	743	76	819	90.7
Meadowdale M.S.				
Belle Haven	56	318	374	
Shiloh	0	180	180	
Valerie	56	290	346	
	112	788	900	12.4
Orville Wright M.S.				
Franklin	47	416	463	
Kemp	18	482	500	
	65	898	963	6.7
Webster M.S.				
Allen	2	267	269	
McGuffey	47	163	210	
	49	430	479	10.2
Westwood M.S.				
Jackson	421	3	424	
McNary	229	1	230	
Res. Park	817	2	819	
	1467	6	1473	99.6
Whittier M.S.				
Emerson	10	219	229	
Irving	311	7	313	
Patterson	3	347	350	
	324	568	892	36.3
Wogaman M.S.				
Highview	390	6	396	
Carlson	358	1	359	
MC - LT	433	2	435	
	1181	9	1190	99.2
TOTALS	5525	6773	12298	44.9

TABLE 7

ESTIMATED ENROLLMENT BY SCHOOL AND RACE
GRADES (K-5) & SP. ED.
RECOMMENDED ELEMENTARY ZONES, 1972-73
DAYTON PUBLIC SCHOOLS

	B	W	B	W	Sp. Ed. B	Sp. Ed. W	Total B	Total W	Total	Cap.	% Bl.
(Maintain 1971-72 Attendance Zones)											
	Kg.		Gr. 1-5								
Fairport	58	102	274	398	2	7	334	507	841	981	39.7
McGuffey	35	59	151	315	0	7	186	381	567	981	32.8
(Maintain Revised Attendance Zones)											
	Kg.		Gr. 1-5								
Drexel	42	82	237	402	11	9	290	493	783	919	37.0
Gardendale	48	55	241	291	0	0	289	346	635	702	45.5
(Cluster A)											
	Kg – 1		Gr. 2-5								
Emerson	0	0	254	326	21	19	275	345	620	1399	44.4
Irving	217	380	0	0	0	0	217	380	597	1059	36.3
Patterson	0	0	240	481	0	0	240	481	721	879	33.3
Kg – 1 in Irving remain											
Kg – 1 in Emerson and Patterson to Irving											
Gr. 2 – 5 in Emerson remain											
Gr. 2 – 5 in Patterson remain											
Gr. 2 – 5 in Irving: 245 to Emerson; 236 to Patterson											
(Cluster B)											
	Kg – 2		Gr. 3-5								
Eastmont	224	334	0	0	0	0	224	334	558	1130	40.1
Lawton	225	247	0	0	0	7	225	254	479	684	47.0
MC – LT	0	0	499	550	0	0	499	550	1049	1747	47.6

TABLE 7 (Cont'd)

	B	W	B	W	Sp. Ed. B	Sp. Ed. W	Total B	Total W	Total	Cap.	% Bl.
Kg – 2 in Eastmont and Lewton remain							Gr. 3 – 5 in MC – LT remain				
Kg – 2 in MC – LT: 226 to Eastmont; 224 to Lewton							Gr. 3 – 5 in Eastmont and Lewton to MC – LT				
(Cluster C)											
	Kg – 2			Gr. 3-5							
Cleveland	242	532	0	0	0	0	242	532	774	1412	31.3
Highview	0	0	357	675	22	0	379	675	1054	1191	35.0
Mann	113	228	0	0	0	0	118	228	346	646	34.1
Kg – 2 remain in Cleveland and Mann							Gr. 3 – 5 remain in Highview				
Kg – 2 from Highview: 245 to Cleveland; 119 to Mann							Gr. 3 – 5 from Cleveland and Mann to Highview				
(Cluster D)											
	Kg – 1			Gr. 2-5							
Carlson	208	453	0	0	0	0	208	453	661	927	31.5
Huffman	0	0	238	618	0	0	236	618	854	1225	27.6
Ruskin	0	0	234	505	8	28	242	533	775	1170	31.2
Kg – 1 remain in Carlson							Gr. 2 – 5 remain in Huffman and Ruskin				
Kg – 1 from Huffman and Ruskin to Carlson							Gr. 2 – 5 from Carlson: 236 to Ruskin; 233 to Huffman				
(Cluster E)											
	Kg – 1			Gr. 2-5							
Van Cleve	231	336	0	0	15	0	246	336	582	713	42.3
Edison	0	0	486	507	0	0	486	507	993	1130	48.9
Kg – 1 in Van Cleve remain							Gr. 2 – 5 in Edison remain				
Kg – 1 from Edison to Van Cleve							Gr. 2 – 5 from Van Cleve: 345 to Edison				
(Cluster F)											
	Kg – 2			Gr. 3-5							
Jefferson	689	714	0	0	23	7	712	721	1433	1447	49.7

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TABLE 7 (Cont'd)

	B	W	B	W	Sp. Ed. B	Sp. Ed. W	Total B	Total W	Total	Cap.	% Bl.
Fairview	0	0	416	441	0	0	416	441	857	859	48.5
Valerie	0	0	349	291	0	0	349	291	640	765	54.5

Kg – 2 in Jefferson remain
Kg – 2 from Fairview and Valerie to Jefferson

Gr. 3 – 5 in Valerie and Fairview remain
Gr. 3 – 5 from Jefferson: 446 to Fairview; 366 to Valerie

(Cluster G)

	Kg – 2 B	Kg – 2 W	Gr. 3-5 B	Gr. 3-5 W	Sp. Ed. B	Sp. Ed. W	Total B	Total W	Total	Cap.	% Bl.
Belle Haven	423	448	0	0	0	0	423	448	871	1263	48.6
Jackson	0	0	452	430	10	0	462	430	892	1747	51.8
Ft. McKinley	0	0	0	0	0	0	0	0	0	542	

Kg – 2 in Belle Haven remain
Kg – 2 from Ft. McKinley and Jackson to Belle Haven

Gr. 3 – 5 in Jackson remain
Gr. 3 – 5 from Ft. McKinley and Belle Haven to Jackson
Make other use of Ft. McKinley School.

(Cluster H)

	Kg – 2 B	Kg – 2 W	Gr. 3-5 B	Gr. 3-5 W	Sp. Ed. B	Sp. Ed. W	Total B	Total W	Total	Cap.	% Bl.
Allen	286	305	0	0	0	0	286	305	591	871	48.4
Kemp	327	412	0	0	0	0	327	412	739	838	44.2
Res. Pk.	0	0	723	671	22	11	745	682	1427	1589	52.2

Kg – 2 in Allen and Kemp remain
Kg – 2 from Residence Park: 284 to Allen; 283 to Kemp

Gr. 3 – 5 in Residence Park remain
Gr. 3 – 5 from Allen and Kemp to Residence Park

(Cluster I)

	Kg – 2 B	Kg – 2 W	Gr. 3-5 B	Gr. 3-5 W	Sp. Ed. B	Sp. Ed. W	Total B	Total W	Total	Cap.	% Bl.
Hickorydale	150	165	0	0	0	0	150	165	315	716	47.6
Loos	306	405	0	0	0	0	306	405	711	881	43.0
Weaver	0	0	478	491	22	12	500	503	1003	1241	49.9

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TABLE 7 (Cont'd)

					Sp. Ed.		Total				
	B	W	B	W	B	W	B	W	Total	Cap.	% Bl.
Kg – 2 in Hickorydale and Loos remain							Gr. 3 – 5 in Weaver remain				
Kg – 2 from Weaver: 290 to Loos; 120 to Hickorydale							Gr. 3 – 5 from Hickorydale and Loos to Weaver				
(Cluster J)											
	Kg – 2		Gr. 3-5								
Franklin	227	451	0	0	7	12	234	463	697	1116	33.6
Greene	0	0	316	451	0	0	316	451	767	776	41.2
Kg – 2 in Franklin remain							Gr. 3 – 5 in Greene remain				
Kg – 2 from Greene to Franklin							Gr. 3 – 5 from Franklin to Greene				
(Cluster K)											
	Kg – 2		Gr. 3-5								
McNary	271	254	0	0	12	0	283	254	537	609	52.7
Shoup Mill	0	0	80	65	0	0	80	65	145	539	55.2
Shiloh	0	0	213	183	0	0	213	183	396	850	53.8
Kg – 2 in McNary remain							Gr. 3 – 5 in Shoup Mill and Shiloh remain				
Kg – 2 from Shoup Mill and Shiloh to McNary							Gr. 3 – 5 from McNary: 79 to Shoup Mill and 210 to Shiloh				

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TABLE 7A

PERCENTAGE OF TITLE I (ESEA) FAMILIES
BY RECOMMENDED ELEMENTARY ZONE CLUSTERS
DAYTON PUBLIC SCHOOLS

		Percentage of children in low income families
Cluster A:	Emerson	21
	Irving	44
	Patterson	14
Cluster B:	Eastmont	0
	Lawton	1
	MC-LT	38
Cluster C:	Cleveland	2
	Highview	29
	Mann	0
Cluster D:	Carlson	12
	Huffman	18
	Ruskin	15
Cluster E:	Van Cleve	14
	Edison	49
Cluster F:	Jefferson	18
	Fairview	1
	Valerie	0
Cluster G:	Belle Haven	0
	Jackson	39
	Ft. McKinley	1
Cluster H:	Allen	5
	Kemp	1
	Res. Pk.	7
Cluster I:	Hickorydale	2
	Loos	1
	Weaver	48
Cluster J:	Franklin	6
	Greene	42
Cluster K:	McNary	14
	Shoup Mill	0
	Shiloh	0

Plaintiffs' Exhibit 10

Recommendation 5. — The following assignment of Grade 6-8 pupils to 15 middle school attendance zones be made September 1, 1972:

Jane Addams Middle School: Jane Addams Elementary, Drexel and Shoup Mill

Belmont Middle School: Belmont Elementary, Eastmont, and Edison

Brown Middle School: Brown Elementary, Jefferson (3/4), and Loos

Cornell Hgts. Middle School: Fairport, Fort McKinley, and Jefferson (1/4)

Gettysburg Middle School: Gettysburg Elementary, Gardendale, Hickorydale, and Res. Pk. (1/4)

Grant Middle School: Grant Elementary, Highview, and Lewton

Lincoln Middle School: Lincoln Elementary, MC-LT, and Ruskin

Longfellow Middle School: Greene, Hawthorne, Van Cleve, and Allen

MacFarlane Middle School: Fairview, Bell Haven, and Weaver

Meadowdale Middle School: Jackson, Meadowdale Elementary, Shiloh, and Valerie

Orville Wright Middle School: Carlson, Kemp, and McNary

Webster Middle School: Huffman, Res. Park (3/4), and Webster Elementary

Westwood Middle School: Franklin, Washington, Westwood Elementary, and McGuffey

Whittier Middle School: Emerson, Irving, and Patterson

Wogaman Middle School: Cleveland, Wogaman, and H. Mann

The desegregation plan for middle schools effectively removes racial identifiability of schools as they would then range from 38.0 per cent black to 50.5 per cent black and would approach racial balance closely. A good mix of economic levels is also indicated as shown in the Table 8 assignments.

HIGH SCHOOL ASSIGNMENTS, 1972-73

Current high school assignment zones are shown on Map 2. Using the recommended middle school zones as a base (Table 8, Overlay 5), it would not be difficult to feed these zones directly into the nine high schools (Table 9, Overlay 6 – phasing out Roosevelt and leaving Patterson Co-op as a city-wide school). Since pupil locater maps are not available, estimated enrollment figures for the 1972-73 recommended high school attendance areas had to be extrapolated from estimated enrollments by race for the middle schools. Index figures of 103.1 for blacks and 131.4 for whites were used.

Recommendation 6. – The following assignment of grade 9-12 pupils to high school attendance zones be made September, 1972: (Middle school zones are the recommended 1972-73 zones and elementary zones are 1971-72.)

Belmont High:	Belmont M.S. and Grant M.S. plus Mann El.
Dunbar:	Lincoln M.S. and Wogaman M.S. minus Mann El.
Fairview:	McFarlane M.S. plus Webster El. and Res. Park El. (1/4)
Kiser:	Longfellow M.S.
Meadowdale:	Cornell Hgts. M.S. and Meadowdale M.S. plus Shoup Mill El.
Roth:	J. Addams M.S. and Gettysburg M.S.
Stivers:	Webster M.S. and Whittier M.S. minus Webster El. and Res. Pk. El. (1/4)

Col. White:	Brown M.S. plus McNary El. and McGuffey El.
Wright High:	Or. Wright M.S. and Westwood M.S. minus McNary El. and McGuffey El.

The redistribution of high school students would leave the 9 schools within a range of 44.3 per cent black to 32.3 per cent black.

It should be remembered that the above figures for all 3 levels of school organization are rough estimates based upon the best data immediately available. It is anticipated that many revisions and refinements in such a plan for desegregation of pupils would be made after careful review by the local staff.

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TABLE 3

ESTIMATED ENROLLMENT BY SCHOOL AND RACE
RECOMMENDED MIDDLE SCHOOL ZONES, GRADES 6-8, 1972-73
BASED ON CURRENT ELEMENTARY ATTENDANCE ZONES
DAYTON PUBLIC SCHOOLS

	Gr. 6-8 & Sp. Ed. B	Gr. 6-8 & Sp. Ed. W	Total T.	Cap.	%Bl.	%Title I
Jane Addams M.S.						
J. Addams Elementary	174	24	198			16
Drexel	14	146	160			3
Shoup Mill	2	68	70			0
	190	238	428	850	44.4	
Belmont M.S.						
Belmont Elementary	0	183	183			1
Eastmont	0	231	231			0
Edison	303	1	304			40
	303	415	718	819	42.2	
Brown M.S.						
Brown Elementary	9	345	354			1
Jefferson (3/4)	500	18	518			18
Loos	6	207	213			1
	515	570	1085	1208	47.5	
Cornell Hgts. M.S.						
Fairport	199	208	407			3
Ft. McKinley	2	147	149			1
Jefferson (1/4)	167	6	173			18
	368	361	729	900	50.5	
Gettysburg M.S.						
Gettysburg Elementary	42	190	232			1
Gardendale	114	43	157			20
Hickorydale	23	116	139			2
Res. Park (1/4)	102	0	102			7
	281	349	630	831	44.6	
Grant M.S.						
Grant Elementary	1	198	199			1
Highview	218	5	223			29
Lewton	1	156	157			1
	220	359	579	983	38.0	
Lincoln M.S.						
Lincoln Elementary	5	319	324			8
MC LT	433	2	435			38
Ruskin	1	268	269			15
	439	589	1028	1175	42.7	

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TABLE 8 (Cont'd)

	Gr. 6-8 & Sp. Ed. B	Gr. 6-8 & Sp. Ed. W	Total T.	Cap.	%Bl.	%Title I
Longfellow M.S.						
Greene	235	4	239			42
Hawthorne	46	73	119			23
Van Cleve	56	238	294			14
Allen	1	190	191			5
	338	505	843	1207	40.1	
MacFarlane M.S.						
Fairview	30	235	265			2
Belle Haven	56	318	374			0
Weaver	394	2	396			48
	480	555	1035	1292	46.4	
Meadowdale M.S.						
Jackson	421	3	424			39
Meadowdale Elementary	41	181	222			0
Shiloh	0	180	180			0
Valerie	15	109	124			0
	477	473	950	980	50.2	
Orville Wright M.S.						
Carlson	187	1	188			12
Kemp	0	378	378			1
McNary	184	2	186			14
	371	381	752	971	49.3	
Webster M.S.						
Huffman	0	273	273			18
Res. Park (3/4)	304	1	305			7
Webster Elementary	1	154	155			5
	305	428	733	788	41.6	
Westwood M.S.						
Franklin	29	312	341			6
Washington	36	208	244			14
Westwood Elementary	456	0	456			14
McGuffey	47	163	210			40
	560	683	1251	1532	45.4	
Whittier M.S.						
Emerson	10	210	220			21
Irving	311	2	313			44
Patterson	1	187	187			14
	322	408	730	1005	44.1	
Wogaman M.S.						
Cleveland	3	365	368			29
Wogaman	343	1	344			2
H.Mann	2	93	95			0
	348	459	807	1157	43.1	
TOTALS	5525	6773	12298		44.9	

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TABLE 9

ESTIMATED ENROLLMENT BY SCHOOL AND RACE
RECOMMENDED HIGH SCHOOL ZONES, GRADES 9-12, 1972-73
BASED ON CURRENT ELEMENTARY ATTENDANCE ZONES
DAYTON PUBLIC SCHOOLS

	Gr. 9-12 & Sp. Ed. B.	W.	Total	Cap.	%Bl.
Belmont					
Belmont M.S. (Belmont - Eastmont - Edison)	312	545	857		
Grant M.S. (Grant - Highview - Lewton)	227	472	699		
	539	1017	1556		
(+) Mann El	2	122	124		
	541	1139	1680	2618	32.2
Dunbar					
Lincoln M.S. (Lincoln - MC - LT - Ruskin)	453	774	1227		
Wogaman M.S. (Cleveland - Mann Wogaman)	360	603	963		
	813	1377	2190		
	2	122	124		
	811	1255	2066	2453	39.2
Fairview					
MacFarlane M.S. (Fairview - Belle Haven - Weaver)	495	729	1224		
(+) Webster El	1	202	203		
(+) Res Park 1/4	104	0	104		
	600	931	1531	1845	39.2
Kiser					
Longfellow M.S. (Allen - Greene - Hawthorne - Van Cleve)	348	664	1012*	1245	34.4

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TABLE 9 (Cont'd)

	Gr. 9-12 & Sp. Ed. B.	W.	Total	Cap.	%Bl.
Meadowdale					
Cornell Hts. M.S. (Fairport - Ft. McKinley - Jefferson 1/4)	379	474	853		
Meadowdale M.S. (Jackson - Meadowdale - Shiloh - Valerie)	493	622	1115		
	872	1096	1968		
(+) Shoup Mill El	2	89	91		
	874	1185	2059	2950	44.3
Roth					
J. Addams M.S. (J. Addams - Drexel - Shoup Mill)	106	313	509		
Gettysburg M.S. (Gardendale - Gettysburg Hickorydale - Res. Park 1/4)	200	450	749		
	486	772	1258		
(-) Shoup Mill El	2	89	91		
	484	683	1167	1856	41.5
Stivers					
Webster M.S. (Huffman - Res Park 3/4 - Webster)	314	562	876		
Whittier M.S. (Emerson - Irving - Patterson)	332	536	868		
	646	1098	1744		
(-) Webster El	1	202	203		
(-) Res. Park 1/4	104	0	104		
	541	896	1437	1530	37.6
Col. White					
Brown M.S. (Brown - Jefferson 3/4 - Loos)	531	749	1280		
(+) McNary El	100	3	193		
(+) McGuffey El	48	214	262		
	760	966	1735	2288	44.3

TABLE 9 (Cont'd)

	Gr. 9-12 & Sp. Ed. B.	W.	Total	Cap.	%Bl.
W. Wright					
Or. Wright M.S. (Carlson - Kemp - McNary)	383	501	884		
Westwood M.S. (Franklin - McGuffey - Washington - Westwood)	586	897	1483		
(-) McNary El	100	3	103		
(-) McGuffey El	48	214	262		
	731	1181	1912	2075	38.2
Sub-Totals	5699	8900	14599		39.0
(+) Patterson Co-op	546	1218	1764	2337	31.0
(+) Ungraded	35	20	55		
(+) Home Teaching	20	26	46		
TOTAL H.S.	6300	10164	16464		38.3

TRANSPORTATION OF PUPILS

It is obvious that pupil transportation will be increased if genuine desegregation occurs. A rough estimate of increased transportation needs is included as an attachment to the report along with an explanation of how the cost of such transportation might be met. Under new Ohio legislation for local district reimbursement for pupil transportation expenses it would appear that transportation costs for the desegregation plan can be met wholly or in large part out of state funds with no increase in local budget.

[PHOTO OMITTED]

GENERAL RECOMMENDATIONS FOR DESEGREGATION

In Part I of this report, the current status of the desegregation effort in the Dayton City Schools was reviewed. That analysis was based upon current information provided by the Superintendent.

Part II gave specific recommendations for ending the racial imbalance in enrollments for the various schools at different grade levels.

This section gives some general comments and recommendations which may assist school and community leaders in their affirmative action toward an integrated school system.

An annual review of faculty assignments by school and teaching field should be made to determine to what extent race should be a consideration in recruitment, employment, and assignment activities. The need for racial balance should be a reality to be considered not only in school policy but in negotiating master contracts.

Inservice education for integration needs to be relevant, required, rewarded, and continuous. A planning committee should involve teachers, administrators, students, community advisers, and representatives of area institutions of higher edu-

cation. The greater use of teacher aides providing biracial teams should be made where feasible.

While the ratio of blacks and whites is fairly reasonable for administrative staff in Dayton, the following general recommendations are made.

1. Until full integration is achieved district-wide, the tendency to put black administrators in schools having a high proportion of black pupils or which are located in black communities should be avoided. Biracial administrative teams should be assigned where there is more than one building administrator.

2. Black administrators should be given an equal opportunity to work in line as well as staff positions in the administrative structure.

When the desegregation plan becomes reality the transfer policy for pupils should be rewritten to discontinue all optional zones or free enrollment. Transfers only for health or pertinent educational or administrative reasons should be allowed. Policing of pupil addresses will need to be made.

In order to facilitate up-to-date pupil assignment operations it is recommended that for the immediate situation pupil locater information and a set of good zone maps be developed. After this it is recommended that a computer-based pupil data system be effected. The Miami Desegregation Center is currently publishing a computerized operational plan for desegregation of pupils which can be used very easily in a system such as Dayton once the pupil data base is established.

The following general recommendations are given for community and school representatives.

1. School representatives should meet regularly with their counterparts from all Dayton Standard Metropolitan Service Area (SMSA) agencies and institutions to communicate about respective programs and to achieve maximum coordination of and impact from various

service efforts. Such problems as housing patterns, metropolitan government, and cooperative educational efforts should be explored.

2. The Dayton Advisory Council on Education (DACE) should be continued with a provision for annual review by DACE and the District as to the representativeness and activities of the Council. Established to advise the Superintendent on such matters as desgregation, its need will increase as desegregation becomes integration.

3. While mass media are valuable, they do not replace small discussion groups in the total public information program. These groups should be continued at the local school level and involve principals, teachers, and other employees who previously have become cognizant of the goals of an integrated school system through the inservice programs discussed above.

A continued and improved analysis should be made of socioeconomic patterns of students so that this factor can become a more effective input to the student assignment process.

If not already part of the program, curriculum units concerning human relations, minority group cultures, urban government and ecology, and family finance should be included at each instructional level.

The entire grading, reporting, counseling, and testing programs should be reviewed in light of desegregated schools compared to traditional schools. Grouping practices for instruction are particularly vulnerable.

Many parents and other citizens enjoy their schools as community centers, too. They may see desegregation as a threat to this activity. The Board should insure, by policy statement, that any desegregation plan will protect the community use of school facilities in a secure fashion and, if necessary, provide transportation so the community center

concept will be implemented. Desegregation in extracurricular activities is an essential component of any unitary plan.

The Board should in January, 1972, place bids for additional buses for September delivery so that economies in group bidding can be effected. Simultaneously, local transit companies might be invited to submit a comparative cost estimate.

Security of buildings and children is a concern especially where desegregation has been suddently imposed upon a school system. At the secondary level it is strongly recommended that student biracial advisory committees become a part of the school's operation. Urban secondary school principals can make effective use of such committees in affirmative action to prevent student unrest.

Districts which are segregated typically are operating substandard programs in some schools, and desegregation usually forces an upgrading of the instructional program. It is assumed that Dayton is no different than other major cities and that additional financial aid will be necessary. All federal and state sources should be investigated including the new Emergency School Assistance Program should it become law; Title IV, P.L. 88-352 monies, and funding under the new Educational Renewal Centers concept (USOE).

The recommended plan attempts to desegregate schools in such a manner that they will not be racially identifiable: not black schools, nor white schools — just schools. If such a plan is to work effectively the entire metropolitan Dayton area should be involved and not just the city. It is recommended that the Board continue its effort to involve the metro community. Particular attention should be given to the current lawsuits in Indianapolis, Richmond (Virginia), and Detroit.

The prekindergarten pupils were not included in the desegregation plan. It is recommended that they be sent to their nearest elementary school location and where capacity does not permit their being housed, transportation be provided to the next building with space available.

[PHOTO OMITTED]

APPENDIX I

Estimation of transportation costs, reimbursements and financing, assuming 40% of current enrollments being transported:

Students

53,400 public students x 40%	21,360
Plus non-public students now being transported	1,000
Total Students	22,360

Trips

50 high-school pupils per bus — 17,000 x 40% =	6,800 or 136 trips	
70 elementary pupils per bus — 36,400 x 40% =	14,560 or 208	"
60 non-public pupils per bus	1,000 or 17	"
Total Trips	361	

Capital Outlay — Vehicles

2.75 trips per bus = 131 buses + 13 spares = 144 total vehicles
Less vehicles already Board-owned — 14

Net Additional Buses Needed 130

Estimated State bid price $9,000 x 130 vehicles = $1,170,000
Estimated State reimbursement @ 27% = 315,900

Net Local Purchase Cost $ 854,100

Capital Outlay — Facilities

Land — 5 acres with proper access	$ 100,000
New building with 8 vehicle bays	300,000
Asphalt paving, fencing, lighting	35,000
Equipment	15,000
Estimated Building Cost	$ 450,000

Estimated State Reimbursement for Operations

Board-owned vehicles — $14 per student + $22 per mile
22,360 x $14 = $313,040 + 80,000 miles x $22 = $176,000

Total $489,040

A Contract vehicles — $16 per student + $29 per mile
22,360 x $16 = $357,760 + 80,000 miles x $29 = $232,000

Total $589,760

reduce

Plaintiffs' Exhibit 10

Estimated Operating Cost

Board-owned buses – 22,300 pupils x $50 each = $ 1,118,000
A Contract buses – 22,300 pupils x $67 each = 1,494,120

Estimated Operating Cost Less State Reimbursement

	Board-owned	A Contract
Estimated operating cost	$1,118,000	$1,498,120
Estimated State reimbursement	489,040	589,760
Net Operating Cost	$ 628,960	$ 908,360

Savings with Board-owned vehicles = $279,400

If savings were applied to capital investment of $1,304,100 (vehicles and building), payback would be accomplished in 4.6. years.

FINANCING THE LOCAL COST

	1972	Annual
Needs		
Net local operating cost	$ 251,584	$ 628,960
Local capital outlay	1,304,100	-0-
Total Needed	$1,555,684	$ 628,960
Sources		
Maintain 1970 level of local funding	$ 433,000	
From new State funds*	1,122,684	
Total Available	$1,555,684	

*Principally from the new Municipal Overburden fund. The district will receive $20 per pupil, or approximately $1,060,000 a year, from that part of the newly enacted State program.

•U.S. GOVERNMENT PRINTING OFFICE: 1972-715-070/158-7218-111

PLAINTIFF'S EXHIBIT 11A

[LETTERHEAD OF DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, WASHINGTON D.C. 20201]

OFFICE OF THE SECRETARY

Dear Dr. Carle:

Representatives of the Office for Civil Rights conducted a Title VI Compliance Review of the Dayton Public Schools during the period November 12-22, 1968. We have completed our analysis of the information gathered during the review and have made the determination that your district is not complying with Title VI of the Civil Rights Act of 1964.

An analysis of the data obtained during the review establishes that your district pursues a policy of racially motivated assignment of teachers and other professional staff. Thus, all Negro principals are assigned to predominantly Negro schools, as are 11 of the 14 Negro assistant principals; 156 out of 181 Negro high school teachers are assigned to schools where Negroes constitute 92 percent of the total enrollment. Over 85 percent of the Negro elementary teachers instruct in schools having a preponderance of Negro pupils, and only 14 percent of teachers of the white race are in schools where Negroes are in the majority. The assignment of counsellors and coaches follows a similar pattern.

The existence in your district of a substantial duality in terms of race or color with respect to distribution of pupils in the various schools, is a matter of concern to us. The fact appears to be that of a total of 5,627 Negro high school pupils, approximately 85 percent are concentrated in 3 high schools in which the percentage of Negro attendance ranges from 92.3 percent to 100 percent. Similarly, 15,479 (approximately 85 percent) Negro elementary pupils attend 20 out of the 53

elementary schools in your district. It is noteworthy that in 17 of these 20 schools, Negroes constitutes 90-100 percent of the total enrollment.

Our review also indicates that students at Roosevelt High School are not afforded the same educational opportunity as other students in your system.

PLAINTIFF'S EXHIBIT 11F

[LETTERHEAD OF DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, OFFICE OF THE SECRETARY, WASHINGTON, D.C. 20201]

October 14, 1970

Dr. Wayne Carle
Superintendent of Schools
The Dayton Public Schools
348 West First Street
Dayton, Ohio 45402

Dear Dr. Carle:

I am responding to your night telegram of October 8, 1970 to Dr. Henderson which has been referred to me for reply. In this telegram you request our interpretation of the underlined [italicized] portion of the following stipulation contained in the DHEW Office for Civil Rights/Dayton Board of Education Agreement on faculty desegregation.

"It is the intention of this Board that each school staff throughout the district will have a racial composition *that reflects the total staff of the district as a whole.*"

During the 1969-70 school year when the agreement to desegregate the Dayton faculty and staff was negotiated and accepted by the DHEW Office for Civil Rights and the Dayton Board of Education, the racial composition of the total

Dayton professional staff was 70 percent white and 30 percent black. Consequently, we would expect that by September 1971, the professional staff at each elementary and secondary school subject to the jurisdiction of the Dayton Board of Education would reflect a racial composition of approximately 70 percent white and 30 percent black. With less than a year to go until the September 1971 deadline perhaps it would be useful to restate the legal basis on which the Dayton Board of Education is obligated to desegregate its teaching faculty.

In *Alexander* v. *Holmes County Board of Education,* 396 U. S. 19 (1969), the Supreme Court unanimously agreed that school districts must end segregation "at once" and operate integrated systems "now and hereafter." See also *Northcross* v. *Board of Education of Memphis,* 397 U. S. 232 (1970); *Carter* v. *West Feliciana Parish School Board,* 396 U. S. 290 (1960). This obligation to desegregate encompasses all facets of the operation of an elementary and secondary school system, including the hiring and assignment of faculty. *Green* v. *County School Board of New Kent County,* 391 U. S. 433 (1968).

The Supreme Court in *United States* v. *Montgomery County Board of Education,* 395 U. S. 225 (1969), reasserted the duty of a school district to desegregate totally its faculty and approved an Alabama district court order which required substantially the same ratio of Negro to white faculty in each school as the ratio of Negro to white faculty in the entire system. In *Singleton* v. *Jackson Municipal Separate School District,* 419 F.2d 1211, 1217-18 (5th Cir. 1969), reversed on other grounds, 396 U. S. 290 (1970), the United States Court of Appeals for the Fifth Circuit required school districts to meet these same faculty ratio requirements.

President Nixon in his March 24, 1970, Statement on Desegregation of America's Elementary and Secondary Schools affirmed that segregation of teachers must be eliminated and asserted that "each school system in this Nation, North and South, East and West, must move immediately, as the Supreme

Plaintiffs' Exhibit 11F

Court has ruled, toward a goal under which 'in each school the ratio of white to Negro faculty members is substantially the same as it is throughout the system.'" A copy of the President's Statement is enclosed. Consequently, the Department of Health, Education, and Welfare, in its enforcement of Title VI of the Civil Rights Act of 1964, has adopted the same faculty ratio requirement which the Fifth Circuit mandated in *Singleton,* which the Supreme Court mandated in *Montgomery,* and which the President applied nationwide in his March 24, 1970 Statement.

Finally, during 1969 the Dayton Board of Education concluded a voluntary but legally binding agreement with the Department of Health, Education, and Welfare's Office for Civil Rights to desegregate its faculty and staff by September 1971. In agreeing to desegregate voluntarily, the Board waived its opportunity for an administrative hearing on this Office's finding of probable noncompliance. In return for the Dayton Board of Education's agreeing to a negotiated settlement and foregoing a lengthy and costly administrative hearing, this Office, instead of requiring Dayton to transfer immediately many of its professional personnel, permitted a two year period for Dayton to desegregate gradually its faculty and staff and did not require as a condition of settlement that the Dayton School Board admit to the veracity of our March 1969 findings of noncompliance.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely yours,

/s/ FREDERICK T. CIOFFI
Frederick T. Cioffi, Coordinator
Northern and Western States
Education Division
Office for Civil Rights

Enclosure

cc: Chief State School Officer
Regional Civil Rights Director

PLAINTIFF'S EXHIBIT 12

[LETTERHEAD OF STATE OF OHIO, DEPARTMENT OF EDUCATION, COLUMBUS 43215]

June 7, 1971

Dr. Wayne Carle
Superintendent
Dayton Public Schools
348 West Fifth Street
Dayton, Ohio 45402

Dear Dr. Carle:

I am enclosing with this letter a report which has resulted from your earlier request that the Ohio State Department of Education prepare alternatives asked for by the Dayton Board of Education in its resolution of April 29, 1971. As you know, we had previously met with representatives from the Ohio State Department of Development, the Ohio State Department of Urban Affairs, the Ohio Education Association, the Ohio Civil Rights Commission, the Division of Equal Educational Opportunities, the Department of Justice, the Ohio State University, and other organizations, agencies, and individuals to discuss ways of providing such assistance to school systems in Ohio.

Under dateline March 12, 1971, a report was forwarded concerning your earlier request for demographic development of Dayton City Schools enrollment projections for reorganized schools. A team of counsultants and specialists was formed and financed through our Office of Equal Educational Opportunity to assemble data and make recommendations.

Following your most recent request, this team effort was enlarged to include representativs from the Program for Equal Educational Opportunity at the University of Michigan and other university centers. During the weekend of May 7-9,

1971, you, as Superintendent of Dayton's public schools, members of your staff, and experts on school integration from Alabama, North Carolina, Virginia, Washington, D.C., Ohio, and Michigan met to discuss the Dayton schools' problems, to plan strategies for change, and to outline suggestions for achieving the resolution's goals. As the conference proceded, lengthy telephone conversations were held with other experts in Arizona, New Mexico, New York, Illinois, Indiana, Pennsylvania, Wisconsin, and North Carolina. The attached document is one product of that conference and these conversations.

Persons selected for participation in the development of these recommendations were chosen by three criteria in their order of importance: (1) their credentials and backgrounds are impecable; (2) they are personally and professionally committed to quality integrated education; and (3) they are experts in such fields as school administration, curriculum, educational change, jurisprudence, educational planning and development, and human relations. Each person came at his or her own expense, and no reimbursement was either requested or offered.

Many alternatives were suggested. Their range is indicated in this report. Numerous strategies, methodologies, techniques, and possibilities were discussed and catalogued. The team of experts concluded that the resolution passed by the Board on April 29, 1971, was not one which could be dealt with effectively in detail until the Dayton Board commits itself to one of the alternative policies suggested in this report – or to some other which may have been considered, but rejected, as a reasonable action that the Board could take.

As the report suggests, in view of prevailing legal and moral circumstances (the realities referred to on pages 13 and 14), only the one alternative policy is deemed logical and feasible. Therefore, it is the one to which the team of experts devoted their most serious attention.

I recommend, therefore, the following:

1. That the attached document be transmitted as official recommendations from the Ohio State Department of Education to the Dayton Board of Education through their Superintendent;

2. That the Dayton Board of Education be urged to fulfill their collective duty to adopt the recommended policy immediately for correcting "the conditions that offend the Constitution;"

3. That the Dayton Board of Education be informed that if the recommended policy is adopted and ordered implemented – or an alternative policy that would achieve similar results – they can expect to receive continuing assistance from the Ohio State Department of Education and the consortium of other agencies, organizations, groups and individuals referred to above for completing development of strategies, methodologies, and ways of achieving the goals stated in the April 29 resolution; and

4. That upon adoption of the policy by the Dayton Board of Education, the consortium of consultative services which helped to formulate this report be made available to assist the Superintendent and his staff in development of those administrative strategies, methodologies, and techniques essential for implementation of the policy. Once these have been developed formally, the "broadly representative committee" referred to in the Board's resolution would be utilized to evaluate and to advise the Board on such plans.

The request received from Dayton was twofold. I can report also to you that proposals for financial assistance are being developed in accord with the Board's request. A meeting was held today to follow progress of The Emergency School

Assistance funds. Eligibility factors are still cloudy, but one certainly is a definite need for resolutions to be converted into policy statements!

Since Dayton is the first of Ohio's major urban school systems to take this important step toward fulfillment of some of the most basic of American ideals, I personally pledge my continuing support to you and to the school children in Dayton for that fulfillment. I have also been asked to make that pledge for the entire team of persons who have contributed to the preparation of this report.

Dr. Charles Glatt, who gave major direction to these two efforts, has just received official notice that a contract has been signed between the Ohio State University's Research Foundation and the U.S. Office of Education for establishment of The Midwest Institute for Equal Educational Opportunities. As its Director, he also extends that pledge from The Midwest Institute.

Sincerely,

/s/ ROBERT O. GREER
Assistant Superintendent
Urban Education

ROG:mh

cc: Members, Dayton Board of Education
Administrative Staff

[ATTACHED DOCUMENT]

RECOMMENDATIONS OF THE STATE DEPARTMENT OF EDUCATION TO THE DAYTON BOARD OF EDUCATION

> School integration is a complex and difficult task; to suggest otherwise would be naive. But it can be achieved by persons with courage, commitment and skill who have the political and professional support of major institutions inside and outside the school. There will be many times when people committed to integration will experience anxiety, fear, doubt, hostility, and other equally unsettling emotions. Nagging questions will plague the dedicated educator about his effectiveness in creating inter-racial collaboration. This is natural. It is also important to relax, to help yourself and your students accept and work within their own and the school's limitations. Integration can be an enriching and rewarding process for both students and educators. We wish you good luck.

The above paragraph, taken from Planning Educational Change; Integrating the Desegregated School, states succinctly and well the attitude of the Ohio State Department of Education toward the recent request for assistance from the Dayton Public School System for achieving those goals stated in the resolution passed by the Dayton Board of Education on April 29, 1971.

THE BOARD'S POSITION.

The Dayton Board of Education has passed various and sundry resolutions in recent years designed to equalize and to extend educational opportunities, to reduce racial isolation, and to establish quality integrated education in the schools. Many study sessions have been held with the administrative staff, with the community, and with experts from outside the school system. Numerous alternatives have already been suggested, adopted, and in some instances implemented. The latest resolution, passed by the Dayton Board of Education on April 29, 1971, reads:

> WHEREAS the Dayton Board of Education recognizes that unequal educational opportunities for minority students now exist, and
>
> WHEREAS current resources available to the Board have been fully used to extend learning opportunities and are now stretched to their limit, and

WHEREAS the Congress is considering the Emergency School Assistance Program that may supplement other funds for improving education and reducing racial and economic isolation.

NOW, THEREFORE BE IT RESOLVED that the Superintendent of Schools be authorized and directed to request the assistance of the State Department of Education, Office of Equal Educational Opportunity, to provide technical assistance for the development and submission to the Board of alternative plans for reducing racial and economic isolation of pupils and improving educational opportunities in the Dayton Public Schools, and for developing proposals for outside funding to implement the same, subject to the approval of the Board.

BE IT FURTHER RESOLVED that the President of the Board, in consultation with the Board, appoint a broadly representative committee to evaluate and advise the Board on plans that are developed pursuant to this resolution; and to communicate with and seek the cooperation of civic, governmental, higher educational, religious, communications, labor, business, and other segments of the community in the Dayton area regarding such plans.

The Ohio State Department of Education interprets that resolution to mean that the Dayton Board of Education intends, and indeed is legally committed to, achievement of the goals stated therein. The Dayton Board of Education is certainly to be congratulated for their commitment inasmuch as their posture on school integration is completely consistent with currently evolving history of our nation. The paragraphs below indicate that consistency.

THE UNITED STATES SUPREME COURT.

In 1954, the United States Supreme Court held that separate schools are inherently unequal (Brown vs. Board of Education.) In 1968, the Court required that "The burden on a school board today is to come forward with a plan that promises realistically to work . . . *now* . . . until it is clear that state-imposed segregation has been completely removed." (Green vs. County School Board.) Mr. Justice Black in 1969 commented: "My belief [is] that there is no longer the slightest excuse, reason, or justification for further postponement of the time when every public school system in the United States will be a unitary one . . ."

In 1971, the United States Supreme Court ruled unanimously: "The objective today remains to eliminate from the public schools all vestiges of state-imposed segregation." The Court also added, "The task is to correct, by a balancing of the individual and collective interests, the condition that offends the Constitution." (Swann vs. Board of Education.)

THE CONGRESS OF THE UNITED STATES.

The Congress' most notable stand to date on this issue was the Civil Rights Act of 1964 and its later modifications. Most of the Legislative moves on social issues have been designed to correct, to protect, and to assure rights, privileges, and responsibilities of minority children, primarily because of the ill effects of racial isolation, insulation, and discriminaton on the minority child. Damage which results from such factors is not so neatly restricted.

During April and May of 1970, the Select Committee on Equal Educational Opportunity of the United States Senate conducted extensive hearings and collected evidence from a wide variety of researchers, scholars, educators, and other citizens. The basic results of that investigation have been condensed into Section 2 of Senate Bill 683 (92nd Congress, 1st Session): "The Congress hereby finds that the segregation of schoolchildren by race, color, or national origin, *whatever its cause or origin*, is detrimental to *all* children and deprives them of educational opportunity: that conditions of such segregation exist throughout the Nation, and, as a result, substan-

tial numbers of children are suffering educational deprivation; . . ." (Italics not in the original.)

THE EXECUTIVE BRANCH.

Because of some lingering legal and judicial obfuscation, racism, and other related phenomena, all-black and all-white schools may persist into this nation's future. Yet, the *mode* of future education in this nation has clearly been spelled out — our schools will be racially mixed, not those where American children will be segregated by race. The President's Committee on Civil Rights, a quarter century ago, stated: "It is impossible to decide who suffers the greatest moral damage from our civil rights transgressions, because all of us are hurt." Other presidents before Harry Truman had made similar statements, and those who have come after him have concurred. President Lyndon Johnson on November 17, 1965, stated in *Racial Isolation in the Public Schools*:

> Although we have made substantial progress in ending formal segregation of schools, racial isolation in the schools persists — both in the North and the South — because of housing patterns, school districting, economic stratification and population movements. It has become apparent that such programs are more subtle and complex than those presented by segregation imposed by law.

On March 3, 1970, President Nixon stated:

> I am well aware that "quality education" is already being interpreted as "code words" for a delay of desegregation. . . . We must never let that meaning take hold. Quality is what education is all about; desegregation is vital to that quality; as we improve the quality of education for all American children, we will help them improve the quality of their own lives in the next generation.

Representatives of the Office for Civil Rights conducted a Compliance Review of the Dayton Public Schools during November of 1968. As one result of that review, a concern was expressed about evidence of racial segregation among the pupils in the Dayton Public School System:

> The existence in your district of a substantial duality in terms of race or color with respect to distribution of pupils in the various schools, is a matter of concern to us. The fact appears to be that of a total of 5,627 Negro high school pupils, approximately 85 per cent are concentrated in 3 high schools in which the percentage of Negro attendance ranges from 92.3 per cent to 100 per cent. Similarly, 15,479 (approximately 85 per cent) Negro elementary pupils attend 20 out of the 53 elementary schools in your district. It is noteworthy that in 17 of these 20 schools, Negroes constitute 90-100 per cent of the total enrollment.

On January 14, 1971, Mr. Stanly Pottinger, Director of the Office for Civil Rights stated in a memorandum to Chief State School Officers and School Superintendents: "Title VI of the Civil Rights Act of 1964 requires that students in a school district receiving Federal financial assistance be afforded educational services free from discrimination on the ground of race, color or national origin."

THE NATIONAL EDUCATION ASSOCIATION.

Principle 1, section 5, of the National Education Association's Code of Ethics states that the educator "Shall not on the ground of race, color, creed, or national origin exclude any student from participation in or deny him benefits under any program, nor grant any discriminatory consideration or advantage."

The president of the N.E.A., Helen Bain, recently stated:

> The time is now to enforce the "law of the land" by cutting off Federal funds from recalcitrant school districts which refuse to integrate, even if it means a temporary school shutdown. No schooling for a few months is preferable to the kind of degrading and dehumanizing situation which many thousands of children suffer daily in segregated schools . . . Each school district in the nation, in order to receive funds from any present or future Federal assistance program, should be compelled to submit a written statement of its commitment to the goal of "quality integrated education."

The Ohio Education Association is in complete opposition to segregation of schoolchildren on the basis of race, color, creed, or national origin. That opposition was stated clearly in the following resolutions passed by the 1970 Representative Assembly of the O.E.A.:

> The Association believes that quality teaching is the basis of quality education for the boys and girls of Ohio. The Ohio Education Association believes that every child, regardless of race, creed, or national origin, has the inherent right to quality education.
>
> The Association believes in the justice of equal educational opportunity within the state and within the nation with control constantly in the hands of local and state authorities. To this end the Ohio Education Association earnestly supports the board general principles of the Ohio School Foundation Program and the federal laws that will accomplish the same for the nation.
>
> The Ohio education Association encourages local boards of education to employ qualified members of minority groups as professional staff members, as paraprofessionals, and as auxiliary personnel.

> The Ohio Education Association believes that when children and youth develop positive relationships with such persons, their appreciation of our country's cultural and racial diversity will be enhanced.

THE NATIONAL PARENT TEACHER ASSOCIATION.

The following resolution was adopted by the National Parent Teacher Association, May, 1969:

> WHEREAS, The National Parent Teacher Association has resolved in its convention resolution "Equality of Opportunity" (1964) "to put forth every greater effort to assure that our constitutional guarantees of human dignity, freedom, and opportunity will prevail for all children" and has reaffirmed this in its convention resolution "The Rights of Citizens" (1965); and
>
> WHEREAS, in view of the deepening domestic crisis, and in recognition that inequities in education, housing, and employment still persist; therefore be it
>
> RESOLVED that the National Parent Teacher Association continue to develop leadership and programs to promote equal opportunity in education, housing, and employment.

THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS.

The Official Platform of the American Association of School Administrators states:

> As educators we believe –
>
> 1. That the primary purpose of education in the United States of America is the development of each individual for the fullest participation in the American democratic way of life.
> 2. That universal free education must be made available to all peoples of every race, color, and creed

in the interests of intelligent citizenship, world understanding, and peace.

3. That the American democratic way of life can be perpetuated (a) through universal free education which provides equal opportunities and is fitted to the abilities, interests, and needs of each person and of the society in which he lives.

• • •

In order that these principles may be realized, we, as school administrators, propose to work for —

• • •

8. The elimination of barriers that present full access to equal educational opportunity for all children and the provision of educational leadership in eliminating discrimination against any segment of our society.

THE NATIONAL SCHOOL BOARDS ASSOCIATION.

The National School Boards Association adopted the following resolution during the NSBA Delegate Assembly at Miami Beach, Florida, April 12-15, 1969:

> The National School Boards Association urges that state school boards associations initiate and support, in cooperation with other responsible state-wide associations, continuous study and action programs to improve state laws related to the twofold task of raising and distributing tax revenue for public education. The solutions evolved should reflect concern for:
>
> a. programs designed to meet the education needs of all public school children.
>
> b. state aid formulas that compensation for such factors as:

(1) The disparity among school districts in resources available for public education.

(2) The disparity among school districts in effort expended.

(3) The disparity among school districts in the cost of providing comparable programs in urban, suburban, and rural areas.

(4) The higher cost of educating those children with exceptional needs of all kinds wherever found.

(5) The extra cost of quality programs.

c. achievement of an appropriate intergovernmental sharing of the cost of public education based on equitable measurement of need, effort, and resources.

d. development of an equitable, efficient tax system that balances the progressive and regressive factors in the various methods of taxation, in order to provide adequate revenue for education without inequitable tax burdens.

THE DAYTON CLASSROOM TEACHERS' ASSOCIATION.

The Executive Committee of the Dayton Classroom Teachers' Association passed the following motion *unanimously* at its April 12, 1971, meeting:

> WHEREAS: The Dayton Classroom Teachers' Association has endorsed the concept of quality integrated education for all Dayton School children, and
>
> WHEREAS: The United States Supreme Court has decreed that equal educational opportunity is an inherent right of all American Citizens, and

WHEREAS: The President of the United States has asserted his intention to enforce these constitutional rights,

THEREFORE BE IT RESOLVED that the Dayton Classroom Teachers' Association Executive Board demand that the Dayton Board of Education enter into negoitations with the United States Office of Education to develop and to adopt a comprehensive student plan that will result in the desegregation of the Dayton Public Schools . . .

Many other individuals, agencies, committees, commissions, associations, public bodies and organizations have taken the same basic stand in this country relative to racial discrimination. The above statements are but a small sample of the movement in American society to assure that the American ideals become reality for all citizens.

THE POSITION OF THE OHIO STATE DEPARTMENT OF EDUCATION.

Section 7.06 of Division One of *Drury's Ohio School Guide* serves as the preamble for the position of the Ohio State Department of Education's position on this issue:

> Laws providing for the education of children are for the protection of the state itself. The primary purpose of the maintenance of a school system is the promotion of the general intelligence of the people constituting the body politic, and thereby to increase the usefulness and efficiency of its citizens, on which the government of society depends.

Members of local boards of education, as lay men and women, often do not have time and opportunity to learn all they should know in order to function effectively in their elected or appointed positions. Consequently, they commonly rely on recommendations made to them by others who are

also very busy, on public opinion, on the news media, and on various other sources for information basic to decision-making. An important aspect of educational mythology in America is the notion of "local control" of public schools. Although local boards of education have rather broad discretionary powers to formulate policy for many of the educational activities in a given geographical area, those powers are *delegated* by the State. When a local board acts, it is acting as an arm of the State. In Ohio this has been explicitly clarified by the Legislature:

> The organization of the public school system of Ohio is by districts, each governed by its own board of education, which districts are organized to promote education and carry into effect the provision of the Constitution in respect thereto.
>
> A school district is a political organization unknown to the Constitution, the mere creature of legislative enactment, and organized *as an agency of the state* in maintaining its public schools, all of its functions being of a public nature. It is merely a geographical division of territory devised for the convenience of its inhabitants, and a mere territorial and political division of the *state* established exclusively for public purposes, and connected with the administration of local government, through a system of local management and control of the public schools. (*Drury's Ohio School Guide*, Section 2.01, italics not in the original.)

We add, parenthetically, that the phrases *de jure* and *de facto* are, in a very real sense, unknown to the Nation's highest court and its consistent interpretations of the Constitution. Neither phrase has been utilized in any Supreme Court decision relative to schools except in Swann et. al. v. Charlotte-Mecklenburg Board of Education et. al. (April 20, 1971), where the phrase "so called 'de facto segregation'" appears. Other terms have been employed such as "dual school sys-

tems," "unitary school systems," "separate but equal," "admission to public schools as soon as practicable on a nondiscriminatory basis," "state enforced discrimination," "equal protection guarantees of the Constitution," "powers to remedy past wrongs," "equitable remedies to repair the denial of a constitutional right," and "to correct . . . the condition that offends the Constitution." The one phrase that has permeated every major Supreme Court ruling on desegregation of schools is "state imposed segregation by race in public schools which denies equal protection of the laws."

> *School districts are agencies of state government. They are created to carry out the constitutional requirement to provide a system of public education.* A school district is a quasi-corporation. It is a political or civil division of the state; it is established as an agency or instrumentality of the state for the purpose of facilitating the administration of government. Education is a government function. *A school district functions in the execution of state government or state policy.* It possesses limited powers. The powers, duties and liabilities of a school district are only such as prescribed by statute. It has not common law powers.
>
> *Since education is a state function, completely under the control of the state legislature,* except as it may be restricted by the state or or [sic] United States Constitution, the legislature may authorize the creation or alteration of school districts as *state agencies* in such manner as it deems advisable. Clearly, however, the legislature cannot directly administer the state educational system. It must create agencies to carry out its policies and must *delegate* to them much of its authority. (Ibid.)

Each member of the Dayton Board of Education either swore or affirmed that he or she would support the Constitution of the United States and the State of Ohio, and that he

or she would faithfully and impartially discharge his or her duties to the best of his or her ability. The Board is a continuing arm of State government, regardless of its constituent membership at any particular point in time.

As the resolution of April 29, 1971, admitted, "the Dayton Board of Education recognizes that unequal educational opportunities for minority students now exist." Inequality of such opportunities, for minority *and* majority students, has characterized the Dayton public school system throughout its history.

Since the Board, *as an agency of state government,* has created the inequality which offends the Constitution, the Ohio State Department of Education must advise that the Dayton Board of Education clearly has an affirmative duty to comply with the Constitution; that is, as the Supreme Court has stated, "to eliminate from the public schools all vestiges of state-imposed segregation." The Court added to that remark:

> Segregation was the evil struck down by *Brown I* as contrary to the equal protection guarantees of the Constitution. That was the violation sought to be protected by the remedial measures of *Brown II.* That was the basis for holding in *Green* that school authorities are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated *root and branch.* (*Swann* v. *Board of Education, op. cit.*, Section III; italics not in the original.)

Lest any doubt remain that the Dayton Board of Education has such an affirmative duty, the Supreme Court's own check list is presented here:

> In *Green*, we pointed out that existing policy and practice with regard to faculty, staff, transportation, extracurricular activities, and facilities were among the most

important *indicia* of a segregated system. Independent of student assignment, where it is possible to identify a "white school" or a "Negro school" simply by reference to the racial composition of teachers and staff, the quality of school buildings and equipment, or the organization of sports activities, a *prima facie* case of violation of substantive constitutional rights under the Equal Protection Clause is shown.

When a system has been dual in these respects, the *first* (italics not in the original) remedial responsibility of school authorities is to eliminate invidious racial distinctions.

* * *

The construction of new schools and the closing of old ones is one of the most important functions of local school authorities and also one of the most complex.

They must decide questions of location and capacity in light of population growth, finances, land values, site availability, through an almost endless list of factors to be considered. The result of this will be a decision which, when combined with one technique or another of student assignment, will determine the racial composition of the student body in each school in the system. Over the long run, the consequences of the choices will be far reaching. People gravitate toward school facilities, just as schools are located in response to the needs of people. The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner city neighborhoods.

In the past, choices in this respect have been used as *a potent weapon for creating or maintaining a state-segregated school system.* In addition to the classic pattern of building schools specifically intended for Negro

or white students, school authorities have sometimes since *Brown*, closed schools which appeared likely to become racially mixed through changes in neighborhood residential patterns. This was sometimes accompanied by building new schools in the areas of white suburban expansion farthest from Negro population centers in order to maintain the separation of the races with a minimum departure from the formal principles of "neighborhood zoning." Such a policy does more than simply influence the short-run composition of the student body of a new school. It may well promote segregated residential patterns which, when combined with "neighborhood zoning," further lock the school system into the mold of separation of the races.

In ascertaining the existence of legally imposed school segregation, the existence of a pattern of school construction and abandonment is thus a factor of great weight. (*Ibid.*, Section IV; except for names of court decisions, italics were not in the original.)

The Ohio State Department of Education congratulates the Dayton Board of Education for being the first of the State's large urban school systems to move affirmatively toward elimination of racial isolation and its evil effects. The desire to move beyond just that and to deal affirmatively with economic isolation is even more commendable. As one lady said to the Board in a recent meeting, "if it ever was a time when we need to get together, now is the time."

The State Department of Education presents its suggested alternatives and recommendations to the Dayton schools based on three "realities" of contemporary America:

1. The laws of the State of Ohio as they relate to the Board's duty. ("It is unlawful for a board of education to provide separate schools or classes in the public school system because of the racial origin, creed, or color of the pupils. A superintendent of schools,

and a board of education, has no legal authority to make any distinction because of such matters in the assignment of pupils to schools, or the determination of the boundary lines of school areas. While the discretion of a board is broad, it does not extend to segregation of pupils on grounds of race or color. The repeal of the former law in this state providing for separate schools for colored children clearly showed the intention of the legislature to take away from the boards of education any such distinction between white and colored children.) (*Drury, op. cit.*, Section 7.47.)

2. The Constitutional requirements spelled out in the Supreme Court decisions related to guarantees of equal protection for all American citizens. (In *Swann* v. *Board of Education*, the statement was made: "Nearly 17 years ago this Court held, in explicit terms, that state-imposed segregation by race in public schools denies equal protection of the laws. *At no time* has the Court deviated in the slightest degree from that holding or its constitutional underpinnings.")
3. The lack of opposition to the intent of the Board's resolution of April 29, 1971.

The first two of these realities have been examined at some length previously in this document. Number 3 has also been documented amply. Some members of the currently composed Dayton Board of Education have consistently and persistently pursued a policy of eliminating racial and economic isolation, of equalizing and extending educational opportunities for all children, and of establishing stable, quality, integrated schools. Other members of the Board have been less outspoken in such support for these goals, yet have consistently and persistently denied their opposition to integrated education. Even those who have been less articulate in their positive support for

integration have introduced resolutions to the Board with sections such as the following:

> Be it therefore resolved, that the policy of this 1970 Board of Education shall be as follows:
>
> 1. That every reasonable and constructive means that can be effected will be taken for the ultimate elimination of racial imbalance in our neighborhood schools."

The Superintendent of Dayton's public schools has given unwavering support for accomplishment of these goals, often in the face of devious and outspoken efforts to thwart their attainment. His administrative staff has also supported the quest for such fulfillment of goals. Even one of the most verbal of the Superintendent's staff, the President of the Serving Our Schools committee, stated in an interview reported in the *Dayton Daily News* on April 28, 1971: "I'm never against any kind of change if it proves to be for the betterment of the child in the community, . . . I think the school is run on a philosophy. Changes come under that philosophy. Of course, it's *quality education for all.*" (Italics not in the original.)

Support in the community for quality integrated education is strong. No one denies their support for that goal. At the March 18, 1971, meeting of the Dayton Board of Education a local pastor was called upon by one board member to speak for the East Dayton community. To the entire Board of Education he stated: "We feel that you are hiding behind the vicious smoke screen that we do not want integration. That is not so . . . I totally reject such a statement."

Every voice that has been raised publicly in the Dayton community has expressed support for integrated education. The major obstacle appears to be the selection of methods and strategies for achieving the goal. In view of these positive attitudes and commitments, Ohio laws, and Supreme Court rulings, the following alternatives are suggested. All have

been proposed, discussed, and evaluated by various individuals and groups in the community during the past several years.

ALTERNATIVES FOR REDUCING RACIAL AND ECONOMIC ISOLATION OF PUPILS AND IMPROVING EDUCATIONAL OPPORTUNITIES IN THE DAYTON PUBLIC SCHOOLS.

1. *The Board could choose to do nothing.* The Board could assume the posture that the Dayton School District has done nothing nor has permitted anything to be done which has led to segregation of children. However, the Board has publicly gone on record as desiring quality integrated education and has publicly admitted that the district is guilty of practices which have led to segregation of schoolchildren. The Ohio State Department of Education recommends that the Dayton Board cannot take this stance, but rather that the board has an affirmative duty to correct those practices and policies which offend the Constitution.

2. *The responsibility could be passed to the 1972 Board of Education.* Inasmuch as voters in the Dayton School district will be selecting persons again in November of 1971 to constitute the Board after the year's end, the current Board members may not want to be the individuals who collectively will initiate a legally and morally proper course of action, one based on the most fundamental ideals and principles for which this nation was founded. The currently composed Board could elect to pass the torch and, in effect, abdicate their responsibilities. However, regardless of who occupies the seats, guilt has been evidenced and the corrections must be made.

3. *All incumbent Board members could resign.* Responsibility for achieving the ideals could be returned to the State where ultimately it belongs. Ohio law permits this to occur and specifies the method. "If the board of education of any

city, exempted village, or county school district fails to perform the duties imposed upon it . . . the probate court of the county in which such district is located, upon being advised and satisfied of such failures, shall act as such board and perform all duties imposed upon such board." (Drury, *op. cit.*, Statute 3313.85.)

4. *Delaying tactics could be continued.* The Board, in spite of resolutions and overt commitment, could choose to make only the lightest mandated changes, and to utilize the best legal talent available to resist compliance with constitutional requirements. Other school districts have chosen this alternative, even as Dayton has used similar methods in the past. However, the highest court in the land has stated the constitutional offensiveness of state-imposed segregation of schoolchildren, and persisting delay clearly violates the oath of office of members of the Board of Education in the state of Ohio.

5. *Existing policies could be magnified and expanded.* For example, the Dayton Board of Education could expand the freedom of enrollment policy and pay the transportational costs for those youngsters who elect to make the majority-to-minority transfer. This is permissible as *one aspect* of a comprehensive plan according to the Supreme Court. "In order to be effective, such a transfer arrangement must grant the transferring student free transportation and space must be made available in the school to which he desires to move." (Swann vs. Board of Education, *op. cit.*, Section V). However, Ohio law "does not grant to pupils the right to select the particular school to be attended within the district of his residence." (Drury, *op. cit.*, Division One, Section 7.04.)

6. *Some racially identifiable schools could be preserved.* All-black and all-white schools may be allowable in certain instances because of residential patterns or because of psychological needs of persons who are willing to pay the costs of such volunteer segregation. If that course is followed, the Board should study carefully Section V, part 2, of the Swann

vs. Board of Education ruling by the United States Supreme Court before making such a decision.

7. *The Board could seek a mandate from the Courts.* For example, the Board could elicit the help of citizens or citizenry groups to prepare a legal suit against the Board as an agency of state government and give to them all of the evidence and help necessary for winning the case in Court. In view of the Board's resolution, however, this does not appear to be a necessity. The Board again is to be commended for attempting to accomplish voluntarily what is legally and morally proper since the Board apparently intends to fulfill its affirmative duty to do more than just remove those vestiges of state-imposed segregation which offend the Constitution.

8. *Elimination, renovation, and construction of buildings could become the major vehicle for accomplishing the goals.* Older buildings *could* be eliminated and newer ones expanded or constructed in areas where, by design, they could easily be integrated racially and economically. Lack of financial resources currently seems to prohibit this alternative from becoming such a vehicle in the near future.

9. *The Board could opt for utilization of the "voucher" plan.* Some monies are available through the United States Office of Education under the so-called "voucher" plan. The Superintendent could be directed to seek such finding and also to ask the Ohio State Legislatures for permission, in effect, to close the public schools and to provide finances for students to select their own facilities for educational experiences. The conflict between Federally sponsored innovative programs and the legislatively imposed duties and responsibilities of school boards in Ohio seems to preclude this alternative as one that merits serious attention.

10. *The Board could require racial balance of students in each school.* Through the legally binding contract negotiated between the Dayton Board of Education and the Office for Civil

Rights, each school's faculty will be composed of approximately the same proportion of black to white as characterizes the entire system. With slight modifications, that was the policy adopted by the Board of Education in Charlotte-Mecklenburg, North Carolina, for both faculties and students. And, quite legally, any board of education could adopt such a policy. At least four factors suggest this to be an unreasonable alternative for the Dayton school district:

a. The United States Supreme Court, in Swann vs. Board of Education, stated: "The Constitutional command to desegregate schools does not mean that every school in every community must always reflect the racial composition of the school system as a whole."

b. Although exact mathematical formulas may be easy to derive and even to implement, they are very difficult to maintain. Unforeseen events such as population movements, accidental or deliberate destruction of buildings, changes in rates of student attrition, or development of attractive private schools can easily turn the school administrator's role into a very difficult one if racial balance of students becomes the system's policy.

c. The financial costs of exact racial balance could become prohibitive, especially if additional transportation is required.

d. The Supreme Court again has stated: "An objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significanctly impinge on the educational process." (*Ibid.*)

11. *The Board could adopt as policy the "parameters" concept.* During December of 1970 a series of three study sessions was held between the Dayton Board of Education, the administrative staff, and other invited personnel. In one section of the document entitled *Integrated Education* produced

for those sessions an approach to strategies for accomplishment of these goals was recommended: "Parameters and the Future." The purpose of that presentation was to recommend changes in the Dayton School District's organization that were designed to improve the quality educational experiences and to equalize and to extend opportunities for those experiences.

After searching for, cataloguing, and examining the other alternatives described above, the Ohio State Department of Education officially recommends to the Dayton Board of Education the basic ideas employed in development of "Parameters and the Future" as the most reasonable and educationally sound of those policies which the Dayton Board could adopt. If that posture is assumed by the Dayton Board of Education, acting as an agency of Ohio State Government, a comprehensive plan can then be developed for implementation of the policy which will be constitutionally valid and inoffensive, educationally sound, and morally proper. An overview of such a plan is presented here; details, of necessity, can be developed only after the Dayton Board of Education has officially decided its course of action.

AN OFFICIAL RECOMMENDATION TO THE DAYTON BOARD OF EDUCATION FROM THE OHIO STATE DEPARTMENT OF EDUCATION FOR REDUCING RACIAL AND ECONOMIC ISOLATION OF PUPILS AND IMPROVING EDUCATIONAL OPPORTUNITIES IN THE DAYTON PUBLIC SCHOOLS.

Basic assumptions. This document is presented on the following basic assumptions:

1. That many of a child's most important lessons are learned very early in life, especially those affective learnings which shape values, attitudes, appreciations, interests, and aspirations;

2. That students in the Dayton public schools are living and learning in a community that currently is characterized by social and geographical insulation and isolation as these relate to race and economy. This results in a form of cultural conditioning that impedes and restricts inter-racial understanding, appreciations, and cooperation;

3. That schools, as suggested by the United States Supreme Court, cannot be separate and equal. More importantly, children isolated racially and economically in schools cannot learn the most essential lessons needed for effective participation in a democratic society;

4. That as occupational opportunities are expanded for persons who previously have been economically restricted, other national goals such as increased vocational opportunities and open housing will be accomplished. Yet, the schools cannot wait on other agencies of government and societal institutions; educational institutions, by a series of legal and judicial thrusts, have been positioned on the front edge of social change. If the schools' leadership fails, both white and black neighborhoods are apt to become "embalmed ghettoes;"

5. That the occupational, political, social, and higher educational world to which Dayton's young people will graduate will be one in which inter-racial experiences are commonplace and ordinary;

6. That the problems inherent in racial and economic isolation cannot be solved unless an appreciable proportion of minority children are involved, whether they be black in previously all-white schools, or white in previously all-black schools;

7. That in order for any intermediate steps to be successful, commitment to the final goal of ending racial and economic isolation and insulation is essential;

8. That if the schools' task of preparing young people appropriately and adequately for adulthood is to be achieved in Dayton, racial and economic isolation and insulation in the public schools must be eliminated root and branch, and

9. That a plan should be designed (1) to improve the quality of educational experiences as the opportunities for educational experiences are equalized and extended; (2) to eliminate racial and economic isolation and insulation as completely as possible; (3) to involve all facets of the total educational enterprise in pursuit of a common goal; (4) to provide opportunity for involvement in the decision-making process to those persons most directly affected by the changes which result; and (5) to provide for future planning and development that will minimize the possibilities of racial and economic isolation and insulation redeveloping.

Factors influencing a comprehensive plan. Plans designed to eliminate racial and economic isolation and insulation in the Dayton School District must take into account the following factors:

1. With few, if any, exceptions currently existing school building are structurally sound and usable.

2. A practically impenetrable residentially segregated living pattern of blacks and whites exists in the school district.

3. About 80 per cent of all black students reside in the area bounded by Wolf Creek on the North and the Miami River on the East. The residential districts North, Northeast, and due East of this area are almost 100 per cent white, with the exception of the changing Dayton View neighborhood immediately north of Wolf Creek.

4. Attitudes of polarization and separatism apparently are

growing among some black and some white segments of the population;

5. Recent school elections, tax levies, and bond issues seem to indicate an extremely conservative community attitude in some sections of the city.

6. The ideals and commitments which are deeply embedded into the American way of life by the Constitution of the United States, by Congressional enactments, by Executive decrees, and by Judicial decisions.

7. The potential impact that decisions made in 1971 will have on longer ranged plans and the future of public education in the Dayton Metropolitan Area.

8. The affirmative duty that the Dayton Board of Education, as an agency of state government, has to correct inequities from the past and to preclude the possibility of similar inequities developing in the future.

Criteria for educational development. For practical reasons, future educational developments in Dayton should be made in view of the following criteria:

1. For budgetary reasons, a feasible plan should require a minimum of school plant conversion.

2. For the same reasons, transportation costs and the time involved in transportation should be minimized.

3. School developmental plans should provide for full opportunities for leadership and extracurricular experiences for all pupils.

4. Plans to eliminate racial and economic isolation and insulation should also incorporate components which can take advantage of public transportational patterns.

5. Plans to eliminate racial and economic isolation should provide workable parameters within which to operate.

These parameters should reflect the assumption that an appreciable number of minority children are involved in all of the schools.

Components of the plan. Improvement of educational quality and elimination of racial and economic isolation in schools are a series of interrelated processes that involve all aspects of the educational process. Deliberate planning in many areas is essential to success, and success has to be planned for and built into the plans. The major components included here are:

1. Community involvement.
2. Students
    a. Elementary schools
    b. Middle schools
    c. Secondary schools
3. Teaching faculties
4. School staffs
5. Central Office staff
6. Curriculum
7. In-service development
8. Staff recruitment
9. Buildings and facilities
10. Finance

Stages of implementation. If simple mixing of physical bodies as a means of satisfying social and political pressures had been the intent of the Dayton Board of Education, development of a plan for achieving that goal would have been an easy task to be accomplished in one fell swoop. However, improving the quality of education, eliminating racial and economic isolation and insulation, unifying efforts in pursuit of a common goal, involving persons affected by changes in decision-making, and minimizing possibilities for isolation and insulation to redevelop are not easy tasks nor can their achievement be a simple one-step process. Several stages of implementation should therefore be expected.

Methods. The means, strategies, methodologies, and techniques whereby the goals subscribed to in this document can be achieved are limited only by vision, imagination, commitment to quality in education, and concern for children. No one method could begin to accomplish these goals, and any one method independent of others would at best be tokenism.

The recommendation is made here that a wide variety of citizens, teachers, learners, and facilitators of learning be invited to discuss and to recommend methods to supplement those suggested herein.

Quality education has sometimes been interpreted as a learner sitting at the feet of a master teacher and receiving knowledge and wisdom from that master teacher. A more realistic view of quality education, one supported by a century of experimentation, research, and study indicates that youngsters learn through transaction with all components of the educational environment. The Dayton Public Schools have to some extent been committed to this latter view. Some of the environmental components might be illustrated by the diagram on the following page.

A plan for Dayton's schools compatible with the preceding sections of this document ought also to be based on these premises:

1. That each child should have access to the best teachers available;
2. That many of the most important lessons essential for participation in a democratic society are those which youngsters learn through transactions with other students;
3. That physical facilities exert notable influence on learning;
4. That accessibility to unbiased learning materials is es-

sential to improvement in quality of educational experience;

5. That curricular development must be a continuing process influenced by national goals, community needs, individual aspirations, and sound learning theory;

6. That when the school and the community harmonize their efforts, the potential for improvement of educational quality is best enhanced; and

7. That maximum learning achievements can be expanded for all children as efforts are made to provide better education for previously disadvantaged children.

Community Involvement. This document recommends for future educational planning that the people who comprise the greater Dayton community be involved more than they have been previously in the activities of the schools. Current efforts can be expanded and innovative practices can be implemented.

The following recommendations are made specifically for immediate implementation if this plan is adopted as policy by the Board of Education:

1. A community advisory committee be established to be composed of the wide range of persons suggested in the April 29, 1971, Board resolution.

2. The community advisory committee be asked specifically to perform the following task: to establish dialogue with the citizens they serve in the community as a means of eliciting suggested methods for implementing those facets of the plan which involve:

   public relations
   community support for the schools
   elimination of racial and economic isolation in all white and all black neighborhoods,
   promotion of good human relations in the schools, and
   coordination of social action between school and community

3. The Citizen's Advisory Councils for each public school in Dayton be requested to sponsor open forums to elicit recommendations from parents and other citizens for methods of implementing pertinent facets of this plan.

4. The Community Advisory Committee and the Citizens Advisory Councils be asked:

   a. to report their initial recommendations to the Superintendent of Schools no later than six weeks after appointment of the Advisory Committee; and

   b. to report recommendations that relate to longer ranged goals established by the Board no later than six months after appointment.

5. The Superintendent of Schools be charged with the responsibility of:

   a. reporting within one week after Board adoption of suggested policy to the citizens of the Dayton area *via* television, radio, the press, and other media the essential components of this plan; and

   b. requesting that other citizens who are willing to offer suggested methods for implementation of the plan submit their suggestions to the Superintendent's office by postal service within one month after Board adoption.

6. Recommendations received from these groups and organizations for implementation of the plan be channeled by the Superintendent to appropriate school authorities and study committees for evaluation and possible incorporation.

Other Components of the Recommended Policy. The document, *Integrated Education*, introduced to the Dayton Board of

Education in December, 1970, included an outline of the other components of the recommended policy. Repetition here is not necessary. However, the following activities and goals are stated explicitly as part of this formal set of recommendations.

1. Any change in the racial and economic composition of a given school's student population between the date that this document is received and September, 1971, should be toward reduction of racial and economic isolation, or toward the system-wide proportion of black to white and affluent to poor.

2. Any additional methods deemed educationally sound and economically feasible by the Superintendent and his staff which can reduce racial and economic isolation should be implemented.

3. By no later than September of 1972 the student racial composition of each of Dayton's public schools will be within the general parameters of fifteen per cent plus or minus the averages of black students in the elementary, middle, and high schools. (Judge James B. McMillan stated in Swann vs. Board of Education: "The assumption . . . that a school is desegregated when it has as many as 10 per cent of a minority race in its student body is not accepted by the Court, and neither the Board nor the Court should be guided by such a figure." The United States Supreme Court upheld his view unanimously.)

4. A team of outside consultants with appropriate experimental backgrounds should be invited to review:

   a. all existing policies of the Dayton Board of Education to determine their appropriateness for an economically and racially integrated school system and to make recommendations for needed changes in those policies;

   b. all existing administrative procedures of the Dayton school system to determine their appropriateness for an economically and racially integrated school system and to make recommendations for needed changes in those procedures; and

   c. all handbooks, directives, and administrative procedures being utilized in individual schools to determine their appropriateness for economically and racially integrated schools and to make recommendations for needed changes.

5. The administrative staff, in conjunction with outside consultants, should continue to develop and to have ready as soon as possible proposals for obtaining funds to help finance implementation of this comprehensive plan. Such proposals should be developed for possible acquisition of funds from a wide variety of sources including, but not limited to, the Federal government.

6. The divisions and apparent animosities which have characterized many of the activities of the Dayton Board of Education in the recent past should be placed aside, and, as an arm of the Ohio State government, the Board should move immediately and affirmatively to adopt as policy and to order implemented into practice this recommendation for achieving the goals stated in the Board's resolution of April 29, 1971.

7. On January 15, 1971, a request was presented to the Ohio State Department of Education from the Dayton school district for consultation and assistance in reorganizing the system to include middle schools. A set of recommendations from the Ohio State Department of Education relative to that request was transmitted to the Dayton school district along with a letter dated March 12, 1971. On page 5 of those recommendations, under Alternative 5, section f, the following statement appeared:

> In areas of the school district where surrounding housing patterns are racially segregated, any set of schools involved in the conversion process should be designated as "magnet" schools and at least fifteen (15) per cent of the classroom and other space and facilities of the schools should be reserved for voluntary transfers by minority students as the administration may deem necessary to relieve overcrowdedness or to implement programs designed to meet special needs.

That particular recommendation apparently was ignored by the Dayton Board of Education. Of the five sets of schools currently involved in the process of conversion to feeder and middle schools, the following seems to be occurring:

1. two sets of schools will be totally black;
2. racial isolation will actually be increased in one set of schools; and
3. only in the Dayton View area, which was previously integrated, could conversion to middle schools possibly result in reduction of racial and economic isolation and insulation.

If what appears to be happening with middle schools is in fact happening, then Dayton has only added one more action to a long list of state-imposed activities which are offensive to the Constitution and which are degrading to schoolchildren. Along with many other affirmative duties which the Dayton Board must fulfill, correction of this particular offense must occur.

This report concludes with statements made recently by three men who won the governorships of states in the South. James Earl Carter, Jr., 76th Governor of George, said: "I say to you quite frankly that the time for racial discrimination is over. Our people have already made this major and difficult

decision. No poor, rural, weak, or black person should ever have to bear the additional burden of being deprived of the opportunity of an education, a job or simple justice."

On January 17, 1970, the first Republican Governor in nearly a century said in his inaugural address to the people of Virginia: "Let the goal in Virginia be an aristocracy of ability, regardless of race, color, or creed."

In Arkansas, Dale Bumpers' avowed reason for entering the gubernatorial race was to prevent segregationist and former governor Orval Faubus from regaining office. He asked, "How could I face my children and grandchildren if I allowed that to happen without a fight?"

The Dayton Board of Education again is to be commended for the action it is taking an affirmative stand to correct segregation which has been imposed on schoolchildren in the district. Accomplishment of the goals will not be easy. Defeat is possible if strength falters or if commitment fails. Governor Bumpers' statement can be paraphrased for the Dayton Board of Education: "How could you face your children and grandchildren if you allow that to happen?"

Finally, the Ohio State Department of Education recommends that the model for staff, student, and community development currently being planned for *Project Emerge* in the West Dayton area become the pattern for the entire district. Only two components of that model are presented here (staff and community) since final development of the third component must await action by the Dayton Board of Education relative to integration of students. A preliminary outline is attached to this set of recommendations.

PLAINTIFFS' EXHIBIT 13A

Mr. Robert Kline, Chairman
Board of Education, City of Dayton
348 W. First Street
Dayton, Ohio 45402

Sir:

In May, 1954, the Supreme Court of the United States held, in the now historic Brown vs. Kansas City School Board case, that . . . "to separate them (Negro Children) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal."

Within the City of Dayton, those schools located in the area bounded on the North by Wolf Creek, on the South by Nicholas Road, on the East by the Great Miami River, and on the West by Oberlin and Elkins Avenues are as "segregated" *in fact*, as they would be under the force and effect of the law. Further, all of the debilitating effects of the "separate but equal" school system of the Southern states exist and accrue to the permanent disadvantage of the predominantly Negro students of the schools in the above area.

In the 10 year period since the Supreme Court Ruling, there has been a marked absence of any definitive action or program by the Dayton School Board to abolish segregation in the City's schools. In fact, the observable actions of the school board have solidified the patter of segregation. The locating of the new Dunbar High School in the middle of one of the worst "slum areas" in the United States and in an all-Negro school district is a case in point. More recently, the construc-

tion of McNary Elementary School in an all-Negro community can only be interpreted as a deliberate plan on the part of the school board to perpetrate segregation in Dayton's schools.

We are aware of the fact that housing segregation contributes to school desegregation. But the opposite is also true. White Suburbia could become integrated if school boundaries were redrawn to include Negro residents.

Analyses and rationalizations which justify maintaining the status quo are no longer acceptable. The problem can no longer be dismissed with a glib answer. Negro parents and Negro students demand changes. School segregation, whether de facto or de jure, permanently handicaps the Negro.

The problem is intricate and complex and there are no simple solutions. The responsibility is clearly yours to find solutions. What action are you taking, and what plans have you formulated to solve this problem? The upgrading of teachers and facilities within the segregated schools (and there is no evidence of even this) is not a satisfactory long term solution since "separate" never really becomes "equal."

We invite the urgent attention of the entire board and administrative officials to this matter and request your prompt reply concerning your proposed plan of action.

Dayton Alliance for Racial Equality

Charles E. Tate, Chairman
529 Gramont Avenue
Dayton, Ohio 45407

cc to:
Mr. Robert French

PLAINTIFFS' EXHIBIT 13B

[LETTERHEAD OF THE DAYTON PUBLIC SCHOOLS]

October 19, 1965

To: Members of the Board of Education
From: Robert B. French, Superintendent

At the recent meeting of City School Superintendents in Memphis, the chief topic of discussion centered around the encroachment of the federal government in local schools. Four cities have been warned that they are in violation of the Civil Rights Act, but these cities have been unable to find out in what way they are in violation. These cities feel that they have been found guilty by the press and television and have had no chance to answer allegations. The Commissioner of Education, when asked to give guide lines for integration, was unable to do so except to say that he would expect new construction to be so placed that it would facilitate integration.

Another subject of considerable interest was the growing militancy of teachers' organizations and their tendency to want to deal directly with the Board of Education in all matters.

The most talked about type of school organization for the future is the Kindergarten-4, 5-8, and high school 9-12.

Jack Crowther, Superintendent at Los Angeles, gave a graphic account of recent riots and how the schools coped with the situation.

Memphis is one of the modern southern cities. It has experienced rapid growth and construction is going on on all fronts. They have recently completed a 40,000 seat stadium, large field house and a modern Board of Education building, housing one of the most sophisticated data processing systems in the country.

• • •

PLAINTIFFS' EXHIBIT 13N

[LETTERHEAD OF NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE]

November 15, 1954

Mr. Robert B. French,
Superintendent of Dayton Public Schools, and
Members of the Dayton Board of Education
232 North Main Street
Dayton 2, Ohio

Dear Mr. French and Board Members:

Some months ago, the Dayton Branch of the National Association for the Advancement of Colored People, requested that you re-examine the patterns of segregation that existed in our Dayton schools in the light of the May 17th, Supreme Court decision out-lawing segregation in public schools.

This request was not made exclusively for any special benefit that would accrue to the Negro child or teacher as such, but rather on an over-all benefit to all Dayton, in that our great City, who has demonstrated time after time that it could meet and conquer any industrial or community challenge; can also meet the challenge hurled at our City by our Supreme Court when it unanimously said: "We have now announced that segregation is a denial of equal protection of the law. Segregation which separates them from others of a similar age and qualification solely because their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to be undone."

Chester Bowles, ex-Governor of Connecticut, and former Ambassador to India said, "The question asked over and over from Lebanon to Japan by two-thirds of our world's population: Its racial discrimination against your own colored citi-

zens. The colored peoples of the world simply cannot think about the United States without considering bitterly the limitations under which 15,000,000 Americans with colored skins are living. Mr. Bowles went on to remind us that just recently Secretary of Defense Charles E. Wilson whose business genius Dayton and the world reveres and respects, ordered an end to all segregation of school children on all U. S. Military posts by September 1, 1955. It is interesting to note that all segregation in the United States Army has ended ahead of schedule. Mr. Bowles goes on to say: Moreover, any fair minded student of the facts must agree that the inability of the South to solve fully its profoundly difficult problem is no worse than the inability of the rest of the Country, under far easier circumstances to clear up its own shoddy record.

To those of you who may think that the American Negro is impatient, we would like to remind you that on January 1, 1963, we will celebrate 100 years of emancipation. How far we will have come by the close of that century toward full freedom for all Americans? Any great change takes time, but 100 years is a long, long time. In these days, it seems long enough to accomplish almost anything. A century ago, half the world was dominated by European masters, our Pacific west was being opened to settlement. Free compulsory public education was still a new and questionable proposition, the automobile, airplane, and mass production, which have remade our world was unknown. Looking back, the changes and achievements are breath-taking.

If all this can be done in one century, surely 100 years is time enough to see that American Negroes receive the full rights and dignity to which every man is entitled under a democratic government.

The Dayton Branch of the National Association for the Advancement of Colored People, wishes to request again that in view of the indisputable facts that segregation in school membership and teachers does exist in our Dayton School System, and that Washington D. C., and that even many

other Southern states have taken steps to abide by the decree of the Supreme Court decision, that it does appear that the Dayton Board of Education would give due consideration to plans that would end this un-American school segregation. It is our studied opinion that Dayton, as we have stated before, who has so gloriously met challenges of floods, city income tax issues, and slum clearance, would be glad to join and support you in a program that would show that we in Dayton can solve by a democratic method a dee-rooted injustice quickly and peacefully.

The National Association for the Advancement of Colored People reminds the Dayton Board of Education finally of the words of Alan Paton, author of "Cry The Beloved Country, As America accepts the Negro more and more fully, will the strength be poured into herself, so that she can play more surely her role in the world?"

Sincerely yours,

/s/ CHARLES J. FRANCIS
President
Dayton Branch, NAACP

/s/ MILEY O. WILLIAMSON
Executive Secy.
Dayton Branch, NAACP

PLAINTIFFS' EXHIBIT 15A

DAYTON PUBLIC SCHOOLS

Roosevelt-Colonel White Optional Area Enrollments, 1963

Colonel White

Students from Roosevelt-Colonel White optional area attending Colonel White, 1963:

White	361
Black	6
	367*

Racial composition of Colonel White High School, 1963:

White	98.9%
Black	1.1%

Roosevelt

White seniors from Roosevelt-Colonel White optional area attending Colonel White, 1963:

White	3**

---

* In 1963-64, 6 of 367 students who lived in the optional Colonel White/Roosevelt district and chose to attend Colonel White were black students. The following sources were used to gather this information: 1) The Colonel White High School directory for 1963-64; 2) Alphabetical list of streets in Colonel White High School district; and 3) Senior class composite pictures for 1964 through 1967. Each address in the directory was checked against the alphabetical list of streets to arrive at the number of students attending Colonel White and living in the optional area. Black students were identified from the composite. It was found that 6 lived in the optional area, 2 lived at Shawen Acres and 3 lived in the Colonel White only district.

Plaintiffs' Exhibit 15A

Racial composition of Roosevelt High School, 1963:

White	5.5%
Black	94.5%

COLONEL WHITE HIGH SCHOOL

Students from Roosevelt-Colonel White Optional Area Enrolled at Colonel White, 1963-64

Seniors	49
Juniors	87
Sophomores	95
Freshmen	136
Total:	367

From composite class photographs 6 of the black students at Colonel White in 1963 were from the optional area.

Source: Colonel White Student Directory, 1963-64.

Racial Composition of Colonel White High School, 1963-64, 98.9% white, 1.1% black. Racial Composition of Roosevelt High School, 1963-64, 94.5% black, 5.5% white.

** In the senior class picture of 1963, there are three white students who were attending from the optional area between Roosevelt and Colonel White: Donna Creager, 605 Ferguson Avenue; Larry Glascow, 1810 W. Riverview; and Jerry Porter, 104 Salem Avenue. The number of whites in the senior class of succeeding years is: 1964 . . . 9; 1965 . . . 2; 1966 . . . 3; and 1967 . . . 0.

PLAINTIFFS' EXHIBIT 15A1

OPTIONAL AREA ROOSEVELT-COLONEL WHITE STUDENTS ATTENDING COLONEL WHITE

Year	Students Living in Optional Area	Blacks	Whites
1957-58	Information impossible to obtain under time		
1958-59	limitations; no student directories available.		

The following information obtained from student directories and teachers.

1959-60	188	2	186
1960-61	286	2	284
1961-62	306	2	304
1963-64	366	6	360
1968-69	407	216	191
1969-70	354	245	109
1970-71	373	298	75

ROG:mh

PLAINTIFFS' EXHIBIT 15B1

DESTINATION OF HAWTHORNE EIGHTH GRADERS RESIDING IN COLONEL WHITE – KISER OPTIONAL AREA

	To Col. White	To Kiser	To Other
1962-63	15	6	
1963-64	21	2	
1964-65	22	18	
1965-66	not determined	not determined	
1966-67	not determined	not determined	
1967-68	14	27	0
1968-69	7	16	4 (Patterson)
1969-70	1	24	5 (Patterson)
1970-71	5	15	2 (Patterson)
1971-72	0	20	4 (Patterson)

All students are white

SOURCE: Hawthorne School, High School Destination Record Book

PLAINTIFF'S EXHIBIT 16B

GUIDELINES FOR FREEDOM OF ENROLLMENT DAYTON PUBLIC SCHOOLS

The Freedom of Enrollment Program is available to any student residing within the Dayton Public School District. This Enrollment Policy became effective September 1969. The provisions of Freedom of Enrollment are:

No student will be moved from the regular school unless the student and parent request a transfer.

Transfer requests will be honored only if the requested school has available classroom space.

Students who cannot obtain a required course in the school of attendance will be given priority for transferring to a school where that course is offered.

Transfers other than for special courses, must improve the racial balance in the receiving school.

Any two students or numerically equal groups can exchange places if the exchange improves the racial balance in the receiving schools.

Transfer to another school within the city may be made at the beginning of a semester. The student agrees to attend the receiving school for the entire school year, provide his own transportation, and adhere to standards and regulations of the receiving school.

I. PROCEDURES PRIOR TO SUBMITTING APPLICATIONS TO THE DEPARTMENT OF PUPIL PERSONNEL

An application for transfer may be obtained from and submitted to the principal of the home school district.

All requests for transfer shall be forwarded by the principal to the Department of Pupil Personnel for action.

The principal or a designated person should explain the provisions of Freedom of Enrollment to students or parents (as stated above).

All applications are dated when received by Pupil Personnel to establish priority when classrooms are closed due to increased enrollment.

Parents or guardians should be encouraged to sign application in the presence of a school official to verify approval of transfer.

The principal of the sending school must sign the application. The signature of the principal denotes the student is in good standing (attendance, conduct and achievement) and is being recommended for transfer.

If a student is requesting a specific subject which is *not* offered in his home school of attendance, a check should be made by the sending school to determine if desired subject is being offered.

PLAINTIFFS' EXHIBIT 16C

February 28, 1972

Mr. William Stover
Principal
Kiser High School
Dayton, Ohio

Dear Mr. Stover:

Thank you very much for your letter of February 22 concerning Freedom of Enrollment transferees to your school at the beginning of the second semester.

I like your suggestion concerning the possibility of an orientation program for Freedom of Enrollment students going into a new school. Through a copy of this letter to Mr. Carroll, I

Plaintiffs' Exhibit 16C

will ask that he investigate such a procedure so that a smoother transition may be made by some of the students in the future.

As you are aware, the assignment of students under Freedom of Enrollment is based upon either the criterion of a special course not offered in the home school, or improvement of the racial balance in the receiving school. Additionally, however, it is necessary for the principal of the home school to certify that the student in question is in good standing. It seems to me that this is a professional responsibility placed upon the school principal and that it should not be necessary for central office personnel to review the record of every applicant. Consequently, I think that perhaps high school principals should discuss among themselves just what criteria should be used to define "good standing" and adopt guidelines that Mr. Carroll's office could follow. I should be most happy to discuss this matter further with you or with the principals themselves.

As to the matter of athletic eligibility, I think the sad fact is that we have learned from this experience. I cannot go along with the idea of declaring a student ineligible for one year from the date of his transfer since the Freedom of Enrollment policy itself is designed to encourage transfer. However, I do feel that a student participating in inter-scholastic activities in basketball, wrestling and gymnastics who transfers at mid-year should lose his eligibility in that sport for the remainder of that year. I have communicated my feeling about this to Mr. Marquardt and hope that I may be invited to the next Athletic Board of Control meeting when this particular problem is discussed.

Thanks for your letter. I certainly appreciate your ideas and comments.

Sincerely,
William H. Goff

WHG:jac
cc: Mr. Herbert Carroll
Mr. David Carter
Mr. William Marquardt

PLAINTIFFS' UNMARKED EXHIBIT

[LETTERHEAD OF THE DAYTON PUBLIC SCHOOLS]

May 18, 1970

Dear Parents:

As you know, last September individual transfers were authorized from Roth High School to several other high schools in the Dayton district as a result of physical assault and intimidation in the Roth area. Since that time, the situation has improved substantially to the point that the physical safety of students is reasonably secure.

This letter is to advise you that it will now be necessary for your son or daughter to attend Roth High School for the 1970-71 school year. At the end of school in June, transfers will be issued and records forwarded to Roth from the school which the student now attends.

If you have any questions about this move, please feel free to contact me at the Board of Education, 461-3850.

Sincerely yours,

/s/ WILLIAM H. GOFF

WHG/cf

Emergency Transfers from Roth

NAME	GRADE	SCHOOL ASSIGNED
Brickles, John	9	Meadowdale High
Combs, Gary	9 Spec.	Stivers High
Crowley, Loye	9	Stivers High
Davis, Marvin	10	Stivers High
Day, Stephen	9	Meadowdale High
Dennison, Catherine	9	Stivers High

Dennison, Steven	9	Stivers High
Howard, Billy	12	Fairview High
Howard, David	9	Fairview High
Howard, Larry	10	Fairview High
Howard, Nadine	10	Fairview High
Humphrey, Raymond	9	Meadowdale High
Jones, Linda	9	Meadowdale High
McPherson, Gerald	10	Meadowdale High
Metcalf, Steven	9	Stivers High
Noe, Dwight	10	Belmont High
Ongell, James	11	Stivers High
Pelfrey, Brenda	12	Stivers High
Rader, Larry	10	Meadowdale High
Rogers, Darlene	9	Kiser High
Spencer, Amos	11	Meadowdale High
Smith, Bernie	9	Meadowdale High
Warner, Susan	11	Kiser
Wilson, Charles	9	Meadowdale High
Wilson, Deloris	11	Fairview High
Jones, Archie	11	Meadowdale High
Fielder, Robert	10	Stivers High
Fielder, Beverly	9	Stivers High
Maiden, Jerry	8	Drexel
Maiden, Robert	9	Stivers High
Hutchinson, Larry	9 Spec.	Meadowdale High
Philbeck, Paul	11	Meadowdale High
Partridge, James	8	Gardendale
Plemons, Billy M.	9	Meadowdale High
Joiner, Joy Sue	9	Kiser High
Ziegler, Darlene Sue	9	Kiser High

October 3, 1960

Mr. Arne Holmbo
Principal, Roosevelt High School
Dayton, Ohio

Dear Mr. Holmbo:

A limited number of Negro children from Prince Edward County, Virginia, have been brought to Dayton and placed in foster homes in order that their education may be continued. We have agreed to accept approximately ten of these students in the Dayton schools for the coming year tuition free. Three of these students are now enrolled in Roosevelt High School and their names are at the bottom of this letter.

I am enclosing a copy of a letter from the American Friends Service Committee giving additional information relative to this project. Possibly other members of your administrative staff should have an opportunity to read this letter.

Very truly yours,

B. H. Armstrong
Director of Pupil Personnel

BHA:tr
2 Enclosures

Walter Barksdale, 2033 Howell Avenue, Dayton 7, Ohio.
Charlie Bolden, 3610 Lakeside Drive, Dayton 8, Ohio.
Willie Bolden, 925 Eleanor Avenue, Dayton 8, Ohio.

Plaintiffs' Unmarked Exhibit

October 4, 1960

Mr. Robert P. Smart
Principal, Nettie Lee Roth High School
Dayton, Ohio

Dear Mr. Smart:

A limited number of Negro children from Prince Edward County, Virginia, have been brought to Dayton and placed in foster homes in order that their education may be continued. We have agreed to accept approximately ten of these students in the Dayton schools for the coming year tuition free. Two of these students are now enrolled in Roth High School and their names are at the bottom of this letter.

I am enclosing the copy of a letter from the American Friends Service Committee giving additional information relative to this project. Possibly other members of your administrative staff should have an opportunity to read this letter.

Very truly yours,

B. H. Armstrong
Director of Pupil Personnel

BHA:tr
Enclosure

Anna Barksdale, 805 Walton Avenue, Dayton 17, Ohio
Mattie Paige, 4180 Sylvan Drive, Dayton 17, Ohio

Plaintiffs' Unmarked Exhibit

August 19, 1970

Mr. Chester Gooding, Principal
Stivers High School
Dayton, Ohio

Dear Mr. Gooding:

Your concern about four students formerly from the Dunbar area has been duly noted and their records have been reviewed. It would appear that four students, Darlene Arnold, David Arnold, Darlene Claybourne, and Michael Jamison should not be returned to Stivers High School on the basis of poor attendance and behavior and failure in classroom work.

I shall ask Mr. Hart, Visiting Teacher, to process the two boys for assignment to the Continuing Education Program. Placement of Darlene Claybourne and Darlene Arnold will have to await a parent conference.

Sincerely yours,

William H. Goff

WHG/cf

cc – Mr. George Findley, Principal, Dunbar High School
Mr. Denis Hart, Visiting Teacher

Plaintiffs' Unmarked Exhibit

Emergency Transfers from Stivers

NAME	GRADE	SCHOOL ASSIGNED
Tomlin, Lionel	11	Dunbar High
Mann, Steve	9	Dunbar High
Thomas, Patricia	9	Dunbar High
Casey, Guy	9	Dunbar High
Tucker, Harold	9	Dunbar High
Cooper, Darlene	9	Dunbar High
Cooper, David	9	Dunbar High
Hill, Peter	9	Dunbar High
Mattison, Randall	9	Dunbar High
Robinson, Raymond	9	Dunbar High
Miller, Lee	9	Dunbar High
Jamison, Michael	9	Dunbar High
Kimbrough, Helen	9	Dunbar High
Bryant, Donald	9 spec.	Dunbar High
Perdue, Diane	9	Dunbar High
Boyd, Donald	9	Dunbar High
Anderson, Debra	9	Dunbar High
Jones, Rudolph V.	9	Dunbar High
Claybourne, Cassandra	12	Dunbar High
Claybourne, Gary	10	Dunbar High
Claybourne, Darlene	9	Dunbar High
Porter, Richard	9	Dunbar High
Austin, Ronald	9	Dunbar High
Knox, Curtis	11	Dunbar High
Knox, Wayne	9	Dunbar High
Roberts, Delores	9	Dunbar High
Bush, Charles	9	Dunbar High
Bush, Theresa	9	Dunbar High
Mock, Edward	9 spec.	Dunbar High
Sanders, Diane	9	Dunbar High
Turner, Lenore	9	Dunbar High
Broyles, Junette	9	Roosevelt High
Mack, James	9	Roosevelt High
Mack, Tyrone	9	Roosevelt High

Plaintiffs' Unmarked Exhibit

March 5, 1956

Mr. Walter E. Stebbins
Superintendent, Mad River Township Schools
Mad River Elementary School
1830 Harshman Road
Dayton 4, Ohio

Dear Mr. Stebbins:

In our recent phone conversation, I believe you advised me that you had approximately one hundred forty-two (142) 8th grade pupils to be served in the Dayton Public Schools in the 9th grade this fall at Stivers or Wilbur Wright. Sixty-two (62) of these pupils are now in your Page Manor School and eighty (80) are in Harshman and Overlook. We suggest that these pupils be divided between Stivers and Wilbur Wright according to the policy used in September, 1955. This would mean the sixty-two (62) Page Manor pupils would attend Stivers and the eighty (80) Harshman and Overlook pupils would attend Wilbur Wright.

It is our understanding that these pupils will attend high school in Dayton only next year, and that they will return to your new Mad River High School in September, 1957.

Very truly yours,

B. H. Armstrong
Director of Pupil Personnel

BHA:tr

cc: Mr. Holmes, Wilbur Wright High School
Mr. Carpenter, Stivers High School
Mr. Royer

Plaintiffs' Unmarked Exhibit

March 5, 1956

RE: William Aldrich

Mr. F. F. Carpenter
Principal, Stivers High School
Dayton, Ohio

Dear Mr. Carpenter:

The above-named pupil is a tuition case and prior to entering Stivers he attended Belmont Elementary School as a tuition pupil since the beginning of the 5th grade. He will continue next fall as a tuition pupil in the Dayton schools and may, therefore, attend the new Belmont High School.

Very truly yours,

B. H. Armstrong
Director of Pupil Personnel

BHA:tr

Plaintiffs' Unmarked Exhibit

August 29, 1962

Mr. Lloyd G. Phillips
Principal Dunbar High School
Dayton, Ohio

Dear Mr. Phillips:

Pupils living in the country or rural area in the southern part of Highview district are provided transportation to elementary and high school. Last year there were only approximately six high school students living in this area to be transported to Roosevelt and in order to avoid the use of one high school bus for only six pupils, Roosevelt High School rearranged the schedules of these six pupils giving them a Study Hall the first period. This made it possible for the one elementary bus running in this Highview area to pick up both elementary and high school pupils; drop the elementary pupils off at Highview and take the high school pupils on to Roosevelt arriving at Roosevelt sometime during the first period. There was no problem in the afternoon of course since the high school is out earlier than elementary. The one bus would first pick up the high school students at Roosevelt at 3:00 o'clock and go by Highview and pick up the elementary.

Now that the Highview district is in Dunbar, we would like to continue this same plan providing there are not too many high school pupils and of course assuming that their schedules can be arranged as last year. I do not have the names of the high school pupils in this area who will be entering Dunbar this fall. Possibly Mrs. Sharp may know or soon after school opens we will learn who they are.

Very truly yours,

B. H. Armstrong
Director of Pupil Personnel

BHA:ev
cc – Mrs. Sharp, Highview Elementary School

PLAINTIFFS' EXHIBIT 16D

1972-73 TRANSFERS BETWEEN SCHOOLS

1] Freedom of Enrollment

Approvals
Whites
23 Approved
22 to white schools
1 from parochial school to school 54.6% black

Blacks
460 Approved
1 to black school
459 to white schools

2] Disciplinary Transfers

Blacks	
Black to black	6
Black to white	2
Whites	
White to white	3
Mixed to white	

Source: D.P.S. Unit Directors and Student Relations Department

PLAINTIFFS' EXHIBIT 16F

1972-73 OTHER TRANSFERS BETWEEN SCHOOLS

3] Hardship and Emergency Transfers

260 Blacks

Black to black	157
White to black	3
Black to white	73
White to white	12
Mixed to white	5
Mixed to black	8
Black to mixed	2

104 Whites

White to white	71
Black to white	6
Mixed to white	17
Mixed to black	0
White to mixed	8
White to black	2

4] Special Education Transfers

117 Blacks

Black to black	91
White to black	7
Black to white	4
White to white	15
Mixed to white	–
Mixed to black	–
Black to mixed	–

Plaintiffs' Exhibit 16F

67 Whites	
White to white	61
Black to white	—
Mixed to white	—
Mixed to black	5
White to mixed	1
White to black	—

Source: D.P.S. Unit Directors

PLAINTIFFS' EXHIBIT 21

Policy Regarding Integration

The Board of Education is opposed to racial segregation in the Dayton Public Schools. It is the policy of the Board of Education to continue and enlarge gradually the program of integration of the educational staff with the objective of having on the educational staff approximately the same proportion of negro teachers as there are negro pupils in the Dayton schools.

The school administration will make every effort to introduce some white teachers in schools in negro areas that are now staffed by negroes, but it will not attempt to force white teachers, against their will, into these positions.

The administration will continue to introduce negro teachers, gradually, into schools having mixed or white populations when there is evidence that such communities are ready to accept negro teachers.

The Board of Education does not consider a school to be segregated when the school district, which the school serves, contains children of only one race. Because attendance at Dunbar High School, in the 9, 10, 11, and 12 grades, is voluntary, the Board of Education does not consider Dunbar High School to be a segregated school.

ROBERT B. FRENCH,
Superintendent of Schools

PLAINTIFFS' EXHIBIT 28

SOME FACTS AND FIGURES REGARDING INTEGRATION FOR BOARD OF EDUCATION DISCUSSION AT LUNCHEON MEETING

December 2, 1954

All elementary schools have definite boundaries and children are obliged to attend the school which serves the area in which they reside. The policy of transfers from one school to another was abolished two years ago when the boundaries of several westside elementary schools were shrunken, permitting a larger number of Negro children to attend mixed schools. The policy of no transfers was not retroactive. (i. e. If a child had permission to attend a mixed school before the ruling became effective, he can continue to attend this school for his elementary education.)

Dunbar High School has no boundary lines. Theoretically, any child in the city can elect Dunbar, but, practically, only Negro children attend. The staff is completely negro, except for Driver Training teachers. Children who attend the high school grades at Dunbar do so by choice. A Negro child can always attend the high school which serves his area.

The schools keep no records of racial identification, but the school census taken last May, 1954, enumerated 8,295 negro children between the ages of 5 and 17, which is 15.7% of the total number of children enumerated between the ages of 5 and 17. The school enrollment of negro children would be less than 15.7%, due to the fact that a larger percentage of negro families than white families do not send their children to kindergarten and there is always a larger drop-out rate among older negro children.

At the present time we employ 168 negro teachers out of a total 1,577 teaching positions, which is 10.6%. In September, 1951, the first negro teacher was placed in a mixed school —

Weaver School. At the present time we have 17 negro teachers assigned to mixed or all-white schools. In addition, we have at the present time 8 white teachers working in all-negro schools — 3 on a full-time basis and 5 on a part-time basis. The following elementary schools having mixed or all white population have negro teachrs:

Edison (4)	Emerson (1)	Weaver (3)
Jackson (3)	McKinley (1)	Whittier (1)
Highview (1)	Washington (1)	Van Cleve (1)
	Webster (1)	

About two years ago we announced a policy of attempting to introduce white teachers in our schools having negro population. We have not been too successful in this regard and at the present time have only 8 full or part-time teachers in these situations. There is a reluctance on the part of white teachers to accept assignments in westside schools and up to the present time we have not attempted to use any pressure to force teachers to accept such assignments. The problem of introducting white teachers in negro schools is more difficult than the problem of introducing negro teachers into white situations. There are several all-white schools which in the near future will be ready to receive a negro teacher.

The policy of sending negro children from Shawen Acres to Garfield School was discontinued this September and these children now attend Van Cleve, Brown, Loos and Shiloh schools.

ROBERT B. FRENCH,
Superintendent of Schools

PLAINTIFFS' EXHIBIT 29

October 10, 1956

REPORT ON PROGRESS TOWARD STAFF INTEGRATION DAYTON PUBLIC SCHOOLS

The first Negro teacher pleaced in school and classroom with both Negro and white pupils was in September 1951. The teacher was Mrs. Willeta Weatherford, then Miss Willeta Chavous.

In September 1952 we had 7 teachers so placed, in 1953 there were 11. By 1954 we had 18 persons so employed, by 1955 there were 32, and this year there are 53 Negro teachers teaching in schools which are attended by pupils of both races or by all white pupils.

The schools and number of Negro teachers are as follows:

Brown	½
Central	1
Edison	4
Emerson	1
Greene	1
Grant	1
Highview	5
Irving	4
Jackson	7½
Van Cleve	1
Washington	2
Weaver	13
Whittier	5
Orville Wright	1
McKinley	1
Stivers	1
Roosevelt	2
Fairview	1
Wilbur Wright	1
Total	53

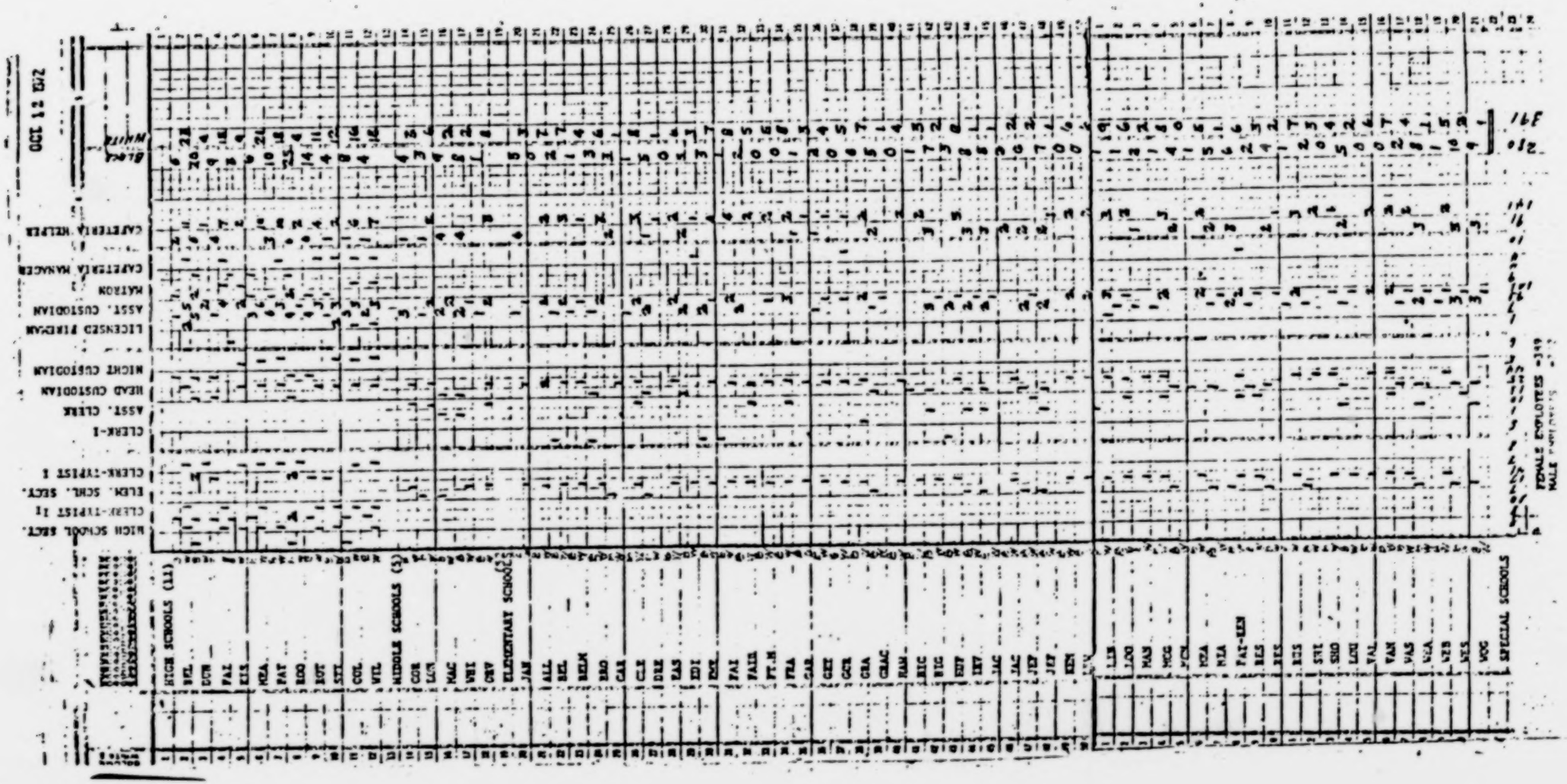
In addition 12 white teachers teach all or part time in schools attended only by Negro pupils as follows:

Dunbar	3	part time
Garfield	2	part time
Miami Chapel	3	full time
	4	part time
Wogaman	1	part time

32 new Negro teachers were employed this year.

In all 838 teachers are working in a school staff at present which has some degree of racial integration.

PLAINTIFFS' EXHIBIT 42



BEST COPY AVAILABLE

PLAINTIFFS' EXHIBIT 55

[LETTERHEAD OF STATE OF OHIO, DEPARTMENT OF EDUCATION, COLUMBUS, 43215]

March 20, 1972

Dr. Wayne M. Carle
Superintendent
Dayton City Schools
348 W. 1st Street
Dayton, Ohio 45402

Dear Dr. Carle:

We have received several calls which would appear to be products out of the rumor mill dealing with possible curtailment of specific staff in the Dayton City Schools. Rumor has it that the Dayton Board of Education is preparing a cutback of personnel working with School-Community Services.

As you know, this office has worked very closely with your staff in school-community relations over the past few years. We have tried to be helpful in securing additional funds to aid in such areas as staff development, community understanding and other matters pertaining to better human relations. The explosive nature of community emotions in Dayton requires the continuing efforts of your excellent school-community services staff.

The Department has had excellent support from the legislature in expanding funds to local districts under Disadvantaged Pupil Programs and Municipal Overburden. Priorities emphasized in our legislative hearings including funding to assist schools and their communities in human relations efforts. All of us realize that good education is best achieved in a climate of understanding. This has been the thrust of your school-community services department.

Plaintiffs' Exhibit 55

The privilege of local autonomy is recognized from our level, and I would be the last to attempt to interfere in local school goverance. However, there have been so many reversals of a negative nature coming out of your district recently until I am forced to take a good hard look at the priority posture toward the elimination of vital services.

I am requesting that you keep me informed as to any change in posture which might eliminate services under our special funding sources. Dayton, as all our districts, has on file a 441 agreement under Title VI of the Civil Rights Act. This agreement permits the application for and flow of federal and special state dollars to guarantee equal educational opportunity. I would not like to be forced into a position calling for a recommendation of withdrawal or withholding of funds.

Sincerely,

/s/ ROBERT O. GREER
Assistant Superintendent
Urban Education

ROG:mh

PLAINTIFFS' EXHIBIT 56

[LETTERHEAD OF TOUCHE ROSS & CO.]

July 11, 1972

Mr. James D. Hart, President
Dayton Board of Education
Dayton, Ohio

Dear Mr. Hart:

We have completed our independent review of the overall Business Operations of the Dayton School District. As a result of our detail analysis work, we have developed recommendations which are presented in the enclosed report. These recommendations provide a basis for direct action by the School District on major business management matters.

We would like to express our thanks to members of the Board, the Superintendent and the Administrative staff for their excellent cooperation throughout the project. Their cooperation enabled us to develop the recommendations in the enclosed report.

We have not attempted herein to summarize the accomplishments of the school system or the dedication of the personnel that was noted in our review. To do so would increase the size of this document beyond manageable proportions. Rather, we have concentrated only on those areas in which we believe action should be taken.

It is sincerely hoped that this study, together with other programs and activities by the Board and the Administration, will enable the School District to make additional progress toward its main objectives.

Respectfully submitted,

/s/ TOUCHE ROSS & CO.

DAYTON BOARD OF EDUCATION
BUSINESS OPERATIONS REVIEW REPORT

INTRODUCTION

Project Objective

On February 24, 1972, the Dayton Board of Education voted unanimously to engage Touche Ross & Co. to conduct an independent review of the overall business operations of the Dayton Public Schools directed toward achieving increased economies where possible and analyzing the allocation of resources. We were to make recommendations based upon the results of the review. The study thus involved a review of the organizational, operational, financial and managerial practices presently employed in the system. It did not include an evaluation of educational programs nor an evaluation of individual employees.

Project Approach

The study began in mid-March. During the initial phase of the project, we conducted interviews with personnel throughout the school organization, from Board members and the Superintendent to Department Supervisors and operational personnel. The purpose of these interviews was to give us an understanding of both the present and planned future organization structure and operational practices. We visited a selected sample of schools to assure proper understanding of school operations. Also we devoted a significant amount of time to collecting and analyzing data on staffing, work procedures, activity levels and productivity (where applicable) in each of the areas reviewed.

We used basically four criteria which we have found relevant in similar situations to assist us in the evaluative process:

1. Standards or guidelines established by the State Department of Education.

2. Standards or guidelines established within the Dayton School District.
3. Comparable operating statistics of other school systems.
4. Sound business practices substantiated by Touche Ross & Co. experience within similar operations in government and business.

The observations and recommendations we have developed have been reviewed and discussed in detail with the person or persons responsible and general implementation strategies have been discussd. In areas where it was not planned for us to make our all encompassing review, we have noted situations which warranted further analysis by the School District.

The analysis inherent in our study was not and should not be considered an audit of the operations of the School District. The conclusions should not be considered as an expression of an audit opinion under generally accepted auditing standards.

SUMMARY OF RECOMMENDATIONS

In this section of the report we have summarized our recommendations which represent approximately two millior dollars in potential annual savings plus a one-time savings of two to three million dollars for the Dayton Board of Education. Dollar savings were estimated at 1972 expenditure level. In addition, several recommendations have been made which do not necessarily result in cost savings but should increase the effectiveness of the operations of the School District. Supporting information is provided in the Detail Section of this report.

A. School Facilities

— Appoint a Study Committee to select schools to be

phased out and plan the implementation of student reassignment. The committee's minimum objective should be to increase the overall elementary and middle school classroom utilization to 85% by phasing out nine *average size* schools or the equivalent thereof.

Estimated Annual Dollar Savings – $745,000 to $895,000

Estimated One-Time Dollar Savings – $2,000,000 to $3,000,000

B. Teacher Staffing

– Adopt the practice of using projected average daily membership (ADM) as the basis for teacher staffing rather than projected enrollment.

Estimated Annual Dollar Savings – $350,000

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– Review staffing levels in schools that have low efficiency in meals per hour of serving labor with the objective of raising the productivity to the median value presently achieved by comparable school lunch programs in other Dayton Schools.

Estimated Dollar Savings – $20,400

– Improve the inventory control, cost reporting and management information for the food service operation as described in the detail report.

G. Purchasing

– Modify the present computer system for inventory reporting to use more sophisticated inventory con-

trol techniques and to provide exception reporting. High cost items should be implemented first on the new system.

– Revise the warehouse storage space assignments to assure efficient stock picking procedures.
Estimated Annual Dollar Savings – $10,000

H. Additional Observations

– Review student transportation policy as compared to state requirements and either revise policy or eliminate outside contract through purchase and operation of Board owned buses, saving money in either case. The effect of the freedom of enrollment policy was not included in this analysis because it is too early to predict the effect at this time.

Estimated Annual Dollar Savings – $50,000

– Renegotiate the current maintenance contract (with regard to specialization by craft and wage rate as a percent of effective average rate of construction craftsmen in the Dayton, Ohio area) or seriously consider the feasibility of a maintenance contract with an outside firm.

– Continue as a member of the Metropolitan Dayton Educational Cooperative Association (MDECA).

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A. SCHOOL FACILITIES

BACKGROUND

Over the past several years there has been much discussion regarding the feasibility of closing several elementary schools. Primarily the context of the discussions has been in regard to the adequacy of the facilities and the wisdom of committing

capital expenditures to improve the facilities. Various studies regarding school facilities have been made, such as: Educational Facilities Evaluation prepared by the Educational Administration and Facilities Unit of the College of Education of Ohio State University; Report of the Committee of 75 (Buildings and Facilities – Subcommittee IX); the analyses of Continued Operation of Selected Elementary School Facilities by Mr. Robert Weinman, Executive Director of Management Services Department, Dayton City Schools and others.

Current Situation

We have attempted in our study to identify, quantify and more clearly state what we believe to be one of the major problems which faces management of the Dayton School District. The basic problem is not simply inadequate facilities but, in addition, is under-utilization of existing facilities. When the two problems are considered jointly there is an opportunity to solve, to a significant degree, both problems with a mutual solution which is eliminating excess capacity by phasing out those facilities which are inadequate and would require major capital expenditures to renovate.

This percentage is actually overstated since schools are essentially closed for three months or an additional one-fourth of a year. In light of the fact that the enrollment projections call for a reduction of approximately 5,495 students in elementary and middle schools by the school year 1975-76, the utilization rate will drop to seventy percent (70%), if existing facilities are not phased out. Under-utilization of facilities is definitely important because the School District has an investment in the buildings which could be at least partially recovered through other uses of the buildings and property. Also, the District is incurring annual operating costs which could be spent in other areas of need, if the buildings which are not required were phased out.

The annual operating cost on a system-wide basis for elementary and middle schools that could be saved is approxi-

mately $140.00 per unit of student capacity (see Exhibit A-2). The *average size* elementary and middle school on a system-wide basis has a student capacity of 746 students. Thus, if one *average size* elementary school were closed to eliminate excess classroom capacity, the School District would realize an annual savings of approximately *$105,000.* By 1975-76 school year, the excess capacity will be 12,872 student units. Thus, in order to achieve 85% utilization by the 1975-76 school year, nine (9) *average size* schools of 746 student capacity or the equivalent thereof must be phased out.

Recommendations

We recommend that a committee be formed to conduct a study to determine specifically the number of schools to be phased out of operation, the selection of specific schools to be closed, the phase out timetable, the student transfer implementation plan, the redefined school boundaries and the recommended alternative use or disposition of the facility. This recommended approach of assigning a study group will assure that this issue receives an appropriate amount of attention and will assure that the potential annual and one-time savings are eventually realized. We recommend further that the study group use 85% utilization of capacity as its overall minimum objective in dealing with this problem. The study group should also consider the issue of a twelve month school year and develop a position paper stating its conclusions. To assist the study committee we have enclosed a listing (Exhibit A-3) of the top twenty elementary and middle schools ranked on the basis of required capital expenditures through 1980.

Benefits

Assuming the study committee achieves the minimum objective of 85% utilization of classroom space on a system-wide basis, nine *average size* schools or their equivalent will be

phased out, permitting the Dayton School District to realize a cost reduction of approximately $945,000 ($105,000 X 9) each year after the selected schools are closed. As a result of redefining school boundaries, some students will probably have to be transported to their new schools. We estimate the increased cost to approximate $50,000 to $200,000 depending upon the schools selected.

In addition to the annual savings defined above, the capital expenditures required to renovate the closed buildings will not have to be expended; thus saving the Dayton School District an estimated $2,000,000 to $3,000,000, depending upon the selection of schools to be closed.

ADDITIONAL COMMENTS

We analyzed the high schools' capacity, utilization and capital expenditure requirements statistics. We noted that, overall, they are utilizing eighty percent (80%) of their classroom capacity. The projected enrollments call for an increase of approximately 700 students by the 1975-76 school year which will increase the utilization rate to eighty-four percent (84%), which is close to the 85% minimum objective for elementary and middle schools. However, several additional facts should be considered by the study committee:

1. The declining enrollment in the elementary and middle schools will have an impact on the high schools after the 1975-76 school year.
2. Roosevelt High School has a projected capital expenditure requirement of $3,581,000 between 1972 and 1980 and has a student capacity of 1,904 students.
3. Kiser High School has a projected capital expenditure requirement of $583,000 between 1972 and 1980 (second only to Roosevelt among the high schools) and has a student capacity of only 714 which is far below the normal capacity for a high school.

It is readily apparent, based upon all of the foregoing data which we have presented, that phasing out schools and redistricting school boundaries is a *necessity* for sound financial management of the Dayton School District and one which requires immediate attention. However, the task assigned to the study committee is a very complex problem which will require detail analysis and careful planning for implementation. The phasing out of selected schools should take place over a time period that allows for proper transition and implementation, consistent with timely achievement of benefits. As a possible target date, it would appear that implementation could begin by September, 1973, if the committee becomes operational in the near future.

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II. ADDITIONAL OBSERVATIONS

TRANSPORTATION

The present policy of the Dayton Board of Education for transportation of students exceeds the requirements of the state law as revised in House Bill 475. All data presented excludes the cost effect of the freedom of enrollment policy since it cannot be accurately determined at the present time. The cost of providing the additional service in excess of the state requirement is approximately $250,000 per year. The cost benefit of this service should be analyzed to assure that it is a worthwhile expenditure of funds. If the Dayton Board of Education were to eliminate only the transportation of high school students, the cost of transportation would be reduced approximately $125,000.

Should the Dayton Board of Education decide to continue operating with the present policy, approximately $50,000 could be saved by replacing the services purchased from St. John's Transportation Company through the purchase and operation of Board owned buses.

Plaintiffs' Exhibit 56

MAINTENANCE

The primary problem facing the Dayton Board of Education in the maintenance area is the contract they have with the Dayton Building and Construction Trades Council, on behalf of its affiliated local unions. The contract requires craft specialization (skilled craftsman – plumbers, electricians, painters, etc.) within a maintenance function where job flexibility is necessary for efficient operation of a staff the size of Dayton's. Larger school districts can operate efficiently with specialized workers due to the number of personnel involved. Also, the contract sets hourly wages at 84% of each craftsman's journeyman's hourly wage rate in effect in the Dayton, Ohio area. Considering the fringe benefits the Dayton School System provides and the guarantee of working a full year (which is not true for construction craftsmen), the cost of maintenance work is the same for the Dayton School System whether they have their maintenance men perform the work or they contract for outside services, assuming equal productivity per hour. Unless better contract terms can be negotiated, we recommend that the Dayton Board of Education request proposals and seriously consider the possibility of entering into a maintenance contract with an outside firm. Since most problems with maintenance contracts are concerned with the level of service on emergency calls, the proposals should stipulate a guaranteed timing on emergency calls and/or not include an emergency provision, which would be covered by a small maintenance staff of the Dayton Board of Education.

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PLAINTIFFS' EXHIBIT 75

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Enrollment Estimates of Two Plans for
Redistricting of Westside Schools.

The choice of either of the following plans on their modification should be based upon several factors.

1. The resistance of some parents to sending their children to school in their district because it is an all negro school.

2. Additions to Willard and Garfield schools will involve purchase of improved property.

3. By decreasing the size of the existing districts and making additions to other schools it will give greater opportunity for some parents to move into a district that has a mixed school.

Plan A.

Leave the districts as they are except for that area between Willard and Wogaman schools that will be assigned to the new Elementary school on Danner Ave.,

Plan B.

Decrease the Wogaman district and add to Jackson and Weaver.

Decrease the Garfield district and add to Edison and Irving.

Since the Willard district is not involved in Plan B. the problem of additional space is dependent only upon the size at the new Westside school.

Plaintiffs' Exhibit 75

Present Planned Classrooms

	Willard	Westside
Kindergarten	2	2
Practical Arts	1	1
Regular classrooms	19	17
Sub-standard classrooms	4	
Multi-purpose room		1

Estimated Needs for 1958

	Willard	Westside
Kindergarten	2	2
Practical Arts	1	1
Regular classrooms	29	31
Multi-purpose rooms	1	

Conclusions – 14 room addition to the new Westside
10 room addition to the Willard school

	1952 Regular Classrooms	Required class-rooms for 1958 Plan A	Plan B	Required Class-rooms for 1960 Plan A	Plan B
Totals of Grade Level Rooms					
Garfield	13[a]	24	17	27	20
Edison	16	18	22	18	22
Irving	20	22	25	22	28
Wogaman	23	26	23	29	23
Jackson	25	25	29	28	31
Weaver	20	29	32	30	35
Estimated Enrollment divided by 35					
Garfield	13[a]	25	17	28	20
Edison	16	17	21	17	21
Irving	20	22	26	22	27
Wogaman	23	26	22	29	23
Jackson	25	26	29	28	31
Weaver	20	29	31	32	34

[a] Does not include 4 rooms in multi-purpose room

Plaintiffs' Exhibit 75

To summarize Plan A, the following additions would be required:

Garfield

1. 15 room addition at Garfield.
2. Purchase improved property in an area where the lots are irregular as to depth.
3. Remove partitions from present multi-purpose room.

Edison – 2 room addition
Irving – 2 room addition
Wogaman – 6 room addition
Jackson – 3 room addition
Weaver – 12 room addition

To summarize Plan B, the following additions would be required.

Garfield – 1. 7 room addition
2. Purchase improved property
3. Remove partitions
Edison – 6 room addition
Irving – 8 room addition
Wogaman – nothing
Jackson – 6 room addition
Weaver – 15 room addition

PLAINTIFFS' EXHIBIT 100A

Dayton Public Schools
NEGRO ENROLLMENTS AND FACULTY
1947-48

Negro Schools	Total Enrollment	Negro Enrollment*	Percentage Negro	Percentage Negro Faculty***
Dunbar	1205	1205	100.0	100.0
Garfield	567	567	100.0	100.0
Willard	705	785	100.0	100.0
Wogaman	958	958	100.0	100.0
Total	3515*	3515*		
Mixed Schools				
Kiser	913	10	1.1	0.0
Parker	661	0	0.0	0.0
Roosevelt	2049	314	15.3	0.0
Stivers	1153	1	0.1	0.0
Wilbur Wright	1150	16	1.4	0.0
Addams	380	96	25.3	0.0
Allen	409	36	8.8	0.0
Central	600	241	40.2	0.0
Drexel	565	119	21.1	0.0
Edison	439	133	30.3	0.0
Emerson	1030	12	1.2	0.0
Greene	341	20	5.9	0.0
Huffman	769	3	0.4	0.0
Irving	850	218	25.6	0.0
Jackson	606	114	16.6	0.0
Longfellow	464	3	0.6	0.0
Ruskin	586	2	0.3	0.0
Washington	612	120	19.6	0.0
Weaver	678	403	59.4	0.0
Westwood	812	1	0.1	0.0
Whittier	525	94	17.9	0.0
Highview				
Gorman	111	8	7.2	0.0
Kennedy	65	0	0.0	0.0
Total	15848*	1964*		
White Schools				
Fairview High	837	0	0.0	0.0
Colonel White	814	0	0.0	0.0
Belmont	938	0	0.0	0.0
Brown	720	0	0.0	0.0
Cleveland	673	0	0.0	0.0
Fairview El.	658	0	0.0	0.0
Ft. McKinley	580	0	0.0	0.0
Franklin	446	0	0.0	0.0
Grant	275	0	0.0	0.0
Hawthorne	263	0	0.0	0.0
Jefferson	682	0	0.0	0.0
Kemp	228	0	0.0	0.0
Lawton	141	0	0.0	0.0
Lincoln	643	0	0.0	0.0
Loos	347	0	0.0	0.0
McGuffey	406	0	0.0	0.0
Patterson	499	0	0.0	0.0
Residence Park	133	0	0.0	0.0
Shiloh	314	0	0.0	0.0
Van Cleve	498	0	0.0	0.0
Webster	760	0	0.0	0.0
Total	10170**	5679*		
GRAND TOTAL	30569*			
GRAND TOTAL	30618**			

*Research Department, 1952
**Annual enrollment report, Child Accounting
***School directories for the respective years

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PLAINTIFFS' EXHIBIT 100B

Dayton Public Schools
NEGRO ENROLLMENTS AND FACULTY
1918-49

Negro Schools	Total Enrollment	Negro Enrollment*	Percentage Negro	Percentage Negro Faculty***
Dunbar	1234	1234	100.0	100.0
Garfield	595	595	100.0	100.0
Willard	907	907	100.0	100.0
Wogaman	877	877	100.0	100.0
Total	3613*	3613*		
Mixed Schools				
Kiser	901	6	0.7	0.0
Parker	671	4	0.6	0.0
Roosevelt	2115	365	17.3	0.0
Stivers	1130	5	0.4	0.0
Wilbur Wright	1162	15	1.3	0.0
Addams	405	118	29.1	0.0
Allen	423	39	9.2	0.0
Central	595	232	39.0	0.0
Drexel	633	156	24.6	0.0
Edison	437	120	27.5	0.0
Emerson	1054	15	1.4	0.0
Greene	351	17	4.8	0.0
Huffman	750	0	0.0	0.0
Irving	848	247	29.1	0.0
Jackson	712	170	23.9	0.0
Longfellow	476	3	0.6	0.0
Ruskin	616	2	0.3	0.0
Washington	610	121	19.8	0.0
Weaver	698	439	62.9	0.0
Westwood	806	0	0.0	0.0
Whittier	518	104	20.0	0.0
Highview				
Gorman	109	12	11.0	0.0
Kennedy	71	0	0.0	0.0
Total	16091*	2190*		
White Schools				
Fairview High	814	0	0.0	0.0
Colonel White	977	0	0.0	0.0
Belmont	977	0	0.0	0.0
Brown	747	0	0.0	0.0
Cleveland	700	0	0.0	0.0
Fairview El.	599	0	0.0	0.0
Ft. McKinley	674	0	0.0	0.0
Franklin	460	0	0.0	0.0
Grant	301	0	0.0	0.0
Hawthorne	258	0	0.0	0.0
Jefferson	756	0	0.0	0.0
Kemp	241	0	0.0	0.0
Lawton	171	0	0.0	0.0
Lincoln	647	0	0.0	0.0
Loos	439	0	0.0	0.0
McGuffey	481	0	0.0	0.0
Patterson	506	0	0.0	0.0
Residence Park	274	0	0.0	0.0
Shiloh	312	0	0.0	0.0
Van Cleve	473	0	0.0	0.0
Webster	718	0	0.0	0.0
Total	11101**			
		5603*		
GRAND TOTAL	31509*			
GRAND TOTAL	31533**			

*Research Department, 1952
**Annual enrollment report, Child Accounting
***School directories for the respective years

PLAINTIFFS' EXHIBIT 100C

Dayton Public Schools
NEGRO ENROLLMENTS AND FACULTY
1949-50

Negro Schools	Total Enrollment	Negro Enrollment*	Percentage Negro	Percentage Negro Faculty***
Dunbar	1208	1208	100.0	100.0
Garfield	611	611	100.0	100.0
Willard	866	866	100.0	100.0
Wogaman	1021	1021	100.0	100.0
Total	3706*	3706*		
Mixed Schools				
Kiser	903	8	0.9	0.0
Parker	595	5	0.8	0.0
Roosevelt	2224	431	19.4	0.0
Stivers	1169	7	0.6	0.0
Wilbur Wright	1193	15	1.3	0.0
Addams	341	94	27.6	0.0
Allen	477	34	7.1	0.0
Central	628	227	36.1	0.0
Drexel	740	175	23.6	0.0
Edison	418	139	33.3	0.0
Emerson	1082	16	1.5	0.0
Greene	334	22	6.6	0.0
Huffman	771	3	0.4	0.0
Irving	890	229	25.7	0.0
Jackson	746	154	20.6	0.0
Longfellow	450	2	0.4	0.0
Ruskin	601	1	0.2	0.0
Washington	634	115	18.1	0.0
Weaver	735	473	64.4	0.0
Westwood	833	1	0.1	0.0
Whittier	518	123	22.0	0.0
Highview				
Gorman	104	20	19.2	0.0
Kennedy	81	1	1.2	0.0
Total	16497*	2195*		
White Schools				
Fairview High	773	0	0.0	0.0
Colonel White	921	0	0.0	0.0
Belmont	1084	0	0.0	0.0
Brown	705	0	0.0	0.0
Cleveland	707	0	0.0	0.0
Fairview El.	773	0	0.0	0.0
Ft. McKinley	459	0	0.0	0.0
Franklin	487	0	0.0	0.0
Grant	324	0	0.0	0.0
Hawthorne	267	0	0.0	0.0
Jefferson	876	0	0.0	0.0
Kemp	244	0	0.0	0.0
Lawton	169	0	0.0	0.0
Lincoln	669	0	0.0	0.0
Loos	531	0	0.0	0.0
McGuffey	492	0	0.0	0.0
Patterson	476	0	0.0	0.0
Residence Park	346	0	0.0	0.0
Shiloh	267	0	0.0	0.0
Van Cleve	445	0	0.0	0.0
Webster	717	0	0.0	0.0
Total	11735**			
		5901*		
GRAND TOTAL	32552*			
GRAND TOTAL	32566**			

*Research Department, 1952
**Annual enrollment report, Child Accounting
***School directories for the respective years

PLAINTIFFS' EXHIBIT 100D

Dayton Public Schools
NEGRO ENROLLMENTS AND FACULTY
1950-51

Negro Schools	Total Enrollment	Negro Enrollment*	Percentage Negro	Percentage Negro Faculty***
Dunbar	1132	1132	100.0	100.0
Garfield	685	685	100.0	100.0
Willard	818	818	100.0	100.0
Wagaman	1107	1107	100.0	100.0
Total	3742*	3742*		
Mixed Schools				
Kiser	910	7	0.8	0.0
Parker	634	5	0.8	0.0
Roosevelt	2306	642	27.8	0.0
Stivers	1129	9	0.8	0.0
Wilbur Wright	1289	22	1.7	0.0
Addams	405	123	30.4	0.0
Allen	475	46	9.7	0.0
Central	638	245	38.4	0.0
Drexel	742	189	25.5	0.0
Edison	432	186	43.1	0.0
Emerson	1158	24	2.1	0.0
Greene	359	28	7.8	0.0
Huffman	795	0	0.0	0.0
Irving	960	262	27.3	0.0
Jackson	785	206	26.2	0.0
Longfellow	494	4	0.8	0.0
Ruskin	600	2	0.3	0.0
Washington	653	124	19.0	0.0
Weaver	648	453	19.9	0.0
Westwood	860	1	0.1	0.0
Whittier	515	142	22.5	0.0
Highview				
German	110	20	18.2	0.0
Kennedy	89	3	3.4	0.0
Total	16975*	2743*		
White Schools				
Fairview High	813	0	0.0	
Colonel White	909	0	0.0	
Belmont	1009	0	0.0	
Brown	729	0	0.0	
Cleveland	701	0	0.0	
Fairview El.	834	0	0.0	
Ft. McKinley	489	0	0.0	
Franklin	516	0	0.0	
Grant	365	0	0.0	
Hawthorne	273	0	0.0	
Jefferson	953	0	0.0	
Kemp	271	0	0.0	
Lewton	191	0	0.0	
Lincoln	876	0	0.0	
Loos	596	0	0.0	
McGuffey	486	0	0.0	
Patterson	478	0	0.0	
Residence Park	412	0	0.0	
Shiloh	286	0	0.0	
Van Cleve	506	0	0.0	
Webster	706	0	0.0	
Total	12291**	6285*		
GRAND TOTAL	33622*			
GRAND TOTAL	33663**			

*Research Department, 1952
**Annual enrollment report, Child Accounting
***School directories for the respective years

PLAINTIFFS' EXHIBIT 100E

Dayton Public Schools
NEGRO ENROLLMENTS AND FACULTY
1951-52

Negro Schools	Total Enrollment	Negro Enrollment*	Percentage Negro	Percentage Negro Faculty***
Dunbar	1018	1018	100.0	100.0
Garfield	700	700	100.0	100.0
Willard	773	773	100.0	100.0
Wagaman	1111	1111	100.0	100.0
Total	3602*	3602*		
Mixed Schools				
Kiser	923	5	0.5	0.0
Parker	708	8	1.1	0.0
Roosevelt	2407	759	31.5	0.0
Stivers	1127	13	1.2	0.0
Wilbur Wright	1340	29	2.2	0.0
Addams	443	130	29.3	0.0
Allen	494	40	8.1	0.0
Central	687	233	33.9	0.0
Drexel	737	213	28.9	0.0
Edison	463	199	43.0	0.0
Emerson	1218	22	1.8	0.0
Greene	401	26	6.5	0.0
Huffman	774	1	0.1	0.0
Irving	669	312	46.6	0.0
Jackson	790	284	35.9	0.0
Longfellow	459	2	0.4	0.0
Ruskin	596	2	0.3	0.0
Washington	706	128	18.1	0.0
Weaver	639	432	67.6	4.0
Westwood	844	0	0.0	0.0
Whittier	538	161	29.9	0.0
Highview	409	7	1.7	0.0
German	101	17	16.8	0.0
Kennedy	92	3	3.3	0.0
Total	17605*	3026*		
White Schools				
Fairview High	856	0	0.0	0.0
Colonel White	987	0	0.0	0.0
Belmont	1147	0	0.0	0.0
Brown	824	0	0.0	0.0
Cleveland	711	0	0.0	0.0
Fairview El.	905	0	0.0	0.0
Ft. McKinley	364	0	0.0	0.0
Franklin	504	0	0.0	0.0
Grant	400	0	0.0	0.0
Hawthorne	278	0	0.0	0.0
Jefferson	946	0	0.0	0.0
Kemp	276	0	0.0	0.0
Lewton	196	0	0.0	0.0
Lincoln	640	0	0.0	0.0
Loos	594	0	0.0	0.0
McGuffey	524	0	0.0	0.0
Patterson	456	0	0.0	0.0
Residence Park	462	0	0.0	0.0
Shiloh	303	0	0.0	0.0
Van Cleve	483	0	0.0	0.0
Webster	618	0	0.0	0.0
Total	12500**	6628*		
GRAND TOTAL	34610*			
GRAND TOTAL	34647**			

*Research Department, 1952
**Annual enrollment report, Child Accounting
***School directories for the respective years

PLAINTIFFS' EXHIBIT 130B

Dayton Public Schools
NEGRO ENROLLMENTS AND FACULTY
1951-52

Negro Schools	Total Enrollment	Negro Enrollment*	Percentage Negro	Percentage Negro Faculty***
Dunbar	1018	1018	100.0	100.0
Garfield	700	700	100.0	100.0
Willard	773	773	100.0	100.0
Wogaman	1111	1111	100.0	100.0
Total	3602*	3602*		
Mixed Schools				
Kiser	923	5	0.5	0.0
Parker	708	8	1.1	0.0
Roosevelt	2407	759	31.5	0.0
Stivers	1127	13	1.2	0.0
Wilbur Wright	1340	29	2.2	0.0
Addams	443	130	29.3	0.0
Allen	494	40	8.1	0.0
Central	687	233	33.9	0.0
Drexel	737	213	28.9	0.0
Edison	463	199	43.0	0.0
Emerson	1218	22	1.8	0.0
Greene	401	26	6.5	0.0
Huffman	774	1	0.1	0.0
Irving	669	312	46.6	0.0
Jackson	790	284	35.9	0.0
Longfellow	499	2	0.4	0.0
Ruskin	596	2	0.3	0.0
Washington	706	128	18.1	0.0
Weaver	639	432	67.6	4.0
Westwood	844	0	0.0	0.0
Whittier	538	161	29.9	0.0
Highview	409	7	1.7	0.0
Gorman	101	17*	16.8	0.0
Kennedy	92	3	3.3	0.0
Total	17605*	3026*		
White Schools				
Fairview High	856	0	0.0	0.0
Colonel White	987	0	0.0	0.0
Belmont	1147	0	0.0	0.0
Brown	824	0	0.0	0.0
Cleveland	711	0	0.0	0.0
Fairview El.	905	0	0.0	0.0
Ft. McKinley	364	0	0.0	0.0
Franklin	504	0	0.0	0.0
Grant	400	0	0.0	0.0
Hawthorne	278	0	0.0	0.0
Jefferson	946	0	0.0	0.0
Kemp	276	0	0.0	0.0
Lewton	196	0	0.0	0.0
Lincoln	646	0	0.0	0.0
Loos	594	0	0.0	0.0
McGuffey	524	0	0.0	0.0
Patterson	456	0	0.0	0.0
Residence Park	462	0	0.0	0.0
Shiloh	303	0	0.0	0.0
Van Cleve	483	0	0.0	0.0
Webster	618	0	0.0	0.0
Total	12580**			
		6628*		
GRAND TOTAL	34610*			
GRAND TOTAL	34647**			

*Research Department, 1952
**Annual enrollment report, Child Accounting
***School directories for the respective years

PLAINTIFFS' EXHIBIT 130C

1963

Schools	Enrollment	# Black	% Black	# Teachers	# Black	% Black
Belmont H. S.	1768		0.0	70	1	1.4
Dunbar H. S.	1160		98.7	45	42	93.3
Fairview H. S.	1252		0.9	53	1	1.8
Kiser H. S.	740		2.7	38	2	5.3
Meadowdale H. S.	1154		0.0	44	2	4.5
Patterson Co-op	1070		1.8	49	1	2.0
Roosevelt H. S.	1850		94.5	62	22	35.8
Nettie Lee Roth H.S.	1120		53.5	46	11	23.9
Stivers H. S.	1150		2.6	55	4	7.2
Colonel White H.S.	1470		1.1	68	4	5.9
Wilbur Wright H.S.	1331		3.3	53	3	5.7
Cornell Heights	850		0.0	30.5	0	0.0
Longfellow	650		5.8	28	1	3.6
MacFarland	1229		99.6	43	43	100.
Whittier	925		95.6	32	14	43.8
Orville Wright	750		0.0	25	1	4.0
Jane Adams	600		41.8	30	3	10.0
Allen	574		0.4	18	0	0.0
Belle Haven	1160		0.0	37	0	0.0
Belmont Elem.	794		0.0	26	0	0.0
Brown Elem.	1177		0.5	39	0	0.0
Carlson Elem.	244		95.9	9	9	100.
Cleveland	1160		0.0	26	0	0.0
Drexel	700		3.5	23	0	0.0
Eastwood	750		0.0	28	1	3.6
Edison	800		80.0	26	6	23.1
Emerson	1000		0.0	40	2	5.2
Fairport	780		0.0	26	0	0.0
Fairview Elem.	667		1.0	20	0	0.0
Fort McKinley	510		0.0	17	0	0.0
Franklin	691		0.0	33	0	0.0
Gardendale	176		7.9	8	1	12.5
Gettysburg	630		0.0	19	1	5.2
Gorman	102		15.6	9	1	11.1
U. S. Grant	917		0.0	31	1	3.2
Grace A. Greene	715		89.5	23	11	47.8
Hawthorne	316		0.0	10	0	0.0
Hickorydale	585		0.0	18	0	0.0
Highview	807		82.0	30	16	53.3
Huffman	834		0.9	35	5	14.3
Irving	1035		96.4	34	17	50.0
Jackson Elem.	1147		98.3	31	23	74.2
Jackson Frie.	537		96.3	18	11	61.1
Jefferson Elem.	1204		1.2	38	0	0.0
Kemp	725		0.0	24	0	0.0
Lewton	600		0.0	20	0	0.0
Lincoln	1145		0.0	33	1	3.0
Loose	785		1.9	27	0	0.0
Horace Mann	435		0.0	15	0	0.0
McGuffey	925		0.0	34	1	2.9
Meadowdale Elem.	930		0.0	29	0	0.0
Miami-Chapel	793		99.6	39	37	93.1
Patterson-Kennedy	630		0.0	P.22 K.18	1 5	4.5 27.8
Residence Park	1112		80.0	35	2	5.7
Ruskin	1171		0.0	38	1	2.6
Shiloh	490		2.4	17	0	0.0
Shoup Mill	318		0.9	10	0	0.0
Louise-Troy	791		99.8	23	22	95.7
Van Cleve	770		0.9	25	2	8.0
Washington	650		23.0	21	2	9.5
Weaver	1260		98.3	40	31	77.5
Webster	531		0.1	18	1	5.5
Westwood	1900		94.7	64	20	31.2
Wogaman	1100		100.0	37	37	100.

PLAINTIFFS' EXHIBIT 130D

Schools	Enrollment	1968 # Black	1968 % Black	# Teachers	1968 # Black	1968 % Black
Belmont H. S.	2009		0.09	87	5	5.8
Dunbar H. S.	1497		99.3	70	62	88.6
Fairview H. S.	1420		5.2-	77	5	6.5
Kizer	762		1.8	46	2	4.4
Meadowdale H. S.	1657		1.1	79	4	5.1
Patterson Co-op	1582		18.3	85	3	3.5
Roosevelt H. S.	2003		100.	104	68	65.4
Nettie Lee Roth	1368		92.3	69	50	72.5
Stivers	910		0.6	53	3	5.7
Colonel White H. S.	1731		19.3	85	5	5.9
Wilbur WrightH.S.	1418		3.5	72	5	7.0
Cornell Heights	864		44.2	34	3	8.8
Longfellow	1049		43.3	40	7	17.5
MacFarlane	1283		99.9	49	48	98.0
Whittier	849		99.2	33	21	63.6
Orville Wright	792		0. 0	30	1	3.3
Jane Adams	683		73.9	26	6	23.1
Allen	604		0.1	25	1	4.0
Belle Haven	1108		5.0	45	2	4.4
Belmont Elem.	657		0.0	27	1	3.7
Brown	1145		0.6	45	1	2.2
Carlson	814		99.0	25	21	84
Cleveland	1348		0.0	45	1	2.2
Drexel	638		5.7	26	2	7.7
Eastmont	844		0.0	37	1	2.7
Edison	522		97.3	18	16	89.9
Emerson	904		6.8	43	4	9.3
Fairport	844		0.1	34	2	5.9
Fairview Elem.	739		1.7	34	2	5.9
Fort McKinley	466		0.0	18	1	5.6
Franklin	856		0.0	37	1	2.7
Gardendale	284		28.5	11	3	27.3
Gettysburg	451		5.2	26	1	3.9
Gorman	90		21.1	14	0	0.0
U. S. Grant	755		0.1	32	2	6.3
Grace A. Greene	563		96.8	26	21	80.8
Hawthorne	291		0.0	12	0	0.0
Hickorydale	529		6.6	27	0	0.0
Highview	925		97.0	36	21	58.3
Huffman	976		0.0	41	3	7.3
Irving	855		99.0	35	26	74.3
Jackson Elem.	862		99.1	39	33	84.6
Jackson Primary	686		98.8	33	19	82.6
Jefferson Elem.	945		60.1	44	8	18.2
Jefferson Primary	688		57.1	23	9	39.1
Kemp	683		0.0	28	0	0.0
Lewton	556		0.0	22	0	0.0
Lincoln	1070		0.0	43	1	2.3
Loose	704		4.6	29	1	3.5
Horace Mann	344		0.2	14	0	0.0
McGuffey	951		14.4	35	1	2.8
McNary Park	536		99.4	22	19	86.4
Meadowdale Elem.	671		0.0	31	1	3.2
Miami Chapel	688		99.9	33	29	87.9
Patterson/Kennedy	565		0.0	26	1	3.9
Residence Park Elem	754		98.8	31	23	67.7
Residence Park Jrsm	435		99.3	16	11	68.8
Ruskin	930		7.0	39	1	2.6
Shiloh	582		0.1	19	0	0.0
Shoup Hill	364		7.1	15	1	6.7
Louise Troy	676		100.0	20	20	100
Valerie	463		7.5	19	1	5.3
Van Cleve	801		1.1	34	1	2.9
Washington	709		19.4	27	4	14.8
Weaver	1235		99.9	48	43	89.7
Webster	574		0.0	28	0	0.0
Westwood	1573		99.4	64	42	65.6
Wegahan	1078		100	41	40	97.5

								1950	

Plaintiffs' Exhibit 143B

TOTAL	Parkside Homes	DeSoto Boss Courts	Summit Courts	Edgewood	DeSoto Boss	Arlington Courts	Westdale	Park Manor	Metro Gardens	Hillsp Homes	Chisca	Metro Gardens Annex	1507 S Manassas	1432 Rosemont 1432	40 E. Helena	Huffman	Pownell	641-647 Hickory Hill
	5-1	5-2	5-3	5-4	5-5	5-6	5-7A	5-7A	5-7C	5-9	5-8	5-11	5-12A	5-12B	5-12C	5-15A	5-15B	
12-31-1963																		
White	602	0	122	125	0	5												
Negro	0	310	17	10	200	308												
Other	0	0	0	0	0	0												
12-31 1968																		
White	525	0	50	102	0	5	0	206	52	1								
Negro	79	307	89	36	193	309	136	14	11	208								
Other	0	0	0	0	0	0	0	0	0	0								
6-30 1972																		
White	363	0	14	54	1	1	0	197	40	2	49	17	21	27	6	9	0	
Negro	226	310	124	83	198	311	136	23	23	208	30	7	1	1	8	3	2	
Other	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

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Plaintiffs' Exhibit 143B

0-72	5-15C 3332 Germantown Jeff. Dennison	7-24 Grand Ave	5-15D 1164-118 Swinnerton	5-15E 724 Ruth	5-15F Riverview	5-15G Woodview	5-15H Hawthorne Fitch	5-15I 23-Bonner	5-15J 323 Xenia	5-15K 3918 Lori Sue	5-16 So. Central	5-17 938 Wilmington	5-18A 2531 Reverse	5-18C 926-928 Holt	5-18D Guilmont Hoch	5-18E Winters	5-18F Willow St.	5-19 McGee St.
White	0		1	0	18	31	0	1	2	0	74	67	6	0	12	1	6	18
Negro	5		1	1	1/2	26	6	0	0	6	36	23	2	8	0	5	0	6
Other	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

0-72	5-20 Dunbar Manor	5-21A Mount Crest	5-21B Cornell	5-23 Embury Pk.	5-24 Helena	5-26 Grand Ave	5-30 Grand & Harshman
White	4	54	10	26	73	76	31
Negro	111	45	22	22	28	61	19
Other	0	0	0	1	0	0	0

SOURCE: HUD 1235 report forms on all figures except for those of 1960. Those figures were obtained by using 1961 1235 forms and records showing the demolition of projects.

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PLAINTIFFS' EXHIBIT 143J

August 31, 1951

Mr. William E. Bergeron, Director
Chicago Field Office
Public Housing Administration
201 N. Wells Street
Chicago, Illinois

Attention: Mr. Ed Klein

Dear Sir:

We enclose (2) school leases from Dayton Board of Education for use of the H-1 building on OHIO 5-2 and for the use of the small Community Building on OH-33155, De Soto Bass Courts, Dayton, Ohio.

The computation of charges at H-1 building are as follows:

R. M. & R.	$ 9.00
Heat	16.00
Water	3.00
Electricity	2.00
Janitorial	26.00
Janitorial Supplies	3.50
Rent	16.50
	$76.00

For the small Community Building at OH-33155 as follows:

R. M. & R.	$ 13.00
Heat	33.00
Water	4.00
Electricity	7.50
Janitorial	52.00
Janitorial Supplies	6.00
Rent	15.00
	$130.50

For non-heating months the charges are reduced the amount as shown.

Plaintiffs' Exhibit 143J

July 30, 1951

Mr. William E. Bergeron, Director
Chicago Field Office
Public Housing Administration
201 N. Wells Street
Chicago, Illinois

Attention: Mr. Ed Klein

Dear Sir:

We are in receipt of request from the Mad River Township Board of Education, the Van Buren Township Board of Education, and the Dayton City Board of Education for use of space in our various projects. The Mad River Board desires to use the Child Care Buildings at Overlook Homes Project OH-33093, and Harshman Homes, Project OH-33252. They have used these two buildings in the past, and while they have a new building under construction, they feel they will need these two buildings for another school year.

The Van Buren Township has a new 20 room elementary school building under construction on East Stroup Road, but it will also not be completed until the end of this coming school year. At that time they plan on using buses to transport the pupils from Moraine Fields, Project OH-33058.

The Dayton Board of Education is proceeding rapidly with their expansion plans, however, they have again requested the use of our N-1 Building at De Soto Bass Courts, Project 5-2 and 2A, and the small community building at OH-33155. They do not wish to use our space at McGuffey Homes, Project OH-33269, as the addition to the McGuffey School has been completed, and they are now able to take care of all the children.

We would appreciate your permission to negotiate with these school boards as we have in the past for leasing these spaces.

Plaintiffs' Exhibit 143J

Some time ago the Detroit office notified us that a new form of agreement would be used in the event the school boards desired use of our space. If you would be so good as to furnish us with a copy of this agreement for our use, we would greatly appreciate it.

Yours very truly,

Charlton D. Putnam
Director

RCC:mjh

Form SP-1913

Lease for Tenant Activity and Other Non-Commercial Space on (Federally Owned War Housing Projects Operated by Local Authorities).

1. Under the terms of this lease, made this 30th day of August, 1951, between the Dayton Metropolitan Housing Authority (herein called the "Lessor"), and Board of Education, Dayton, Ohio (herein called the "Lessee"), and subject to the conditions hereinafter set forth,

2. The Lessor does hereby let to the Lessee, and the Lessee hereby hires for the sole purpose of SCHOOL PURPOSES, the premises comprising part of Project No. OH 33155, located at De Soto Bass Courts, Dayton, Ohio, and described as follows: Small Community Building, rooms, and total leased sq. ft. area (2800 sq. feet) together with fixtures, equipment and supplies as set forth in the inventory which is attached hereto;

3. To Have and to Hold the Premises unto the Lessee, for the term of one School year, beginning on the 10th day of September, 1951 and ending on the .... day of June, 1952 at the rent and subject to the conditions as follows:

4. Rent. The Lessee shall pay to the Lessor the sum of $ * rent per month and the sum of $ * per month to cover the cost of utilities as provided in Section 4a below, for each calendar month until this lease is properly terminated. Rent shall be paid in advance on the first day of the month to Dayton Metropolitan Housing Authority and shall be in the form of a check or money order payable to the order of Dayton Metropolitan Housing Authority.

* $130.50 for Heating Months and $97.50 for Non Heating Months, (Heat, Utilities & Janitorial furnished by Lessor).

In the event the payment of rent commences on any date other than the first day of a calendar month, or in the event this lease is terminated on any date other than the last day of any calendar month, the rent shall be prorated on a daily bases over the period during which the Lessee actually uses or occupies the Premises.

4a. *Utilities.* The Lessor will make available all normal utility services, including heat, water, gas and electricity required for the proper operation of the premises as equipped. The Lessee shall pay costs or estimated costs for utility services furnished by the Lessor and consumed by the Lessee in connection with the use and occupancy of the premises.

4b. *Janitorial Services.* The Lessee shall furnish janitorial services or pay the cost of such services provided by the Lessor.

5. *Compliance with Local Laws.* The Lessee shall, at its own expense obtain all necessary licenses and permits, and comply with all applicable laws and ordinances which may be promulgated by the United States, the State of Ohio or any political subdivision or agency thereof.

6. *Alterations and Fixtures.* The Lessee, at its own expense, may make any necessary or desirable alterations or remodeling on the premises and may install fixtures and equipment appurtenant to the Lessee's operations, provided that no alteration or remodeling shall be undertaken without the prior written consent of the Lessor.

7. *Repairs and Maintenance.* The Lessee shall keep in good order the premises both exterior and interior, and shall maintain the interior and all appurtenances in good repair during the terms of this lease.

8. *Restoration and Surrender of Premises.* The Lessee, upon the termination of this lease, agrees (a) to remove all fixtures, equipment, and supplies installed on the premises by the Lessee; (b) to restore the premises to the same physical condition as they were at the beginning of the term, and surrender to the Lessor the premises in as good order and condition as when accepted, ordinary wear and deterioration excepted; and (c) to deliver to the Lessor all fixtures, equipment and supplies furnished by the Lessor as set forth in the attached inventory or an identical number of items of like kind and quality.

9. *Signs.* All exterior signs, displays, and advertising on the premises must be approved by the Lessor prior to installation.

10. *Subleasing.* The Lessee shall not sublease the premises without the prior written consent of the Lessor.

11. *Right of Entry.* The Lessor, acting through its agents, representatives or employees, shall have the right to enter upon the premises at any time during reasonable hours for the purpose of making inspections.

12. *Default and Reentry.* In the event of any default by the Lessee in the payment of any rent or other charges when due, or in the event of any breach of any other condition of this lease, the Lessor at its election, may terminate this lease and all rights of the Lessee hereunder by giving 30 days notice to the Lessee. Upon termination at the end of thirty (30) days, the Lessor, its agents or representatives shall have the right, without further demand or notice, to re-enter and take possession of the premises.

13. *Damage to Premises.* In the event the premises are rendered partially or wholly unfit for their use under the terms

of this lease by fire, tornado, earthquake or other casualty, this lease shall be automatically terminated as of the date of such happening. In such event the fixed rent herein provided for shall abate from the date of the happening of such casualty. There shall be a prompt accounting of the rent accrued to the date of termination, and any moneys disclosed to be owing the Lessee under the terms of this lease shall be promptly paid by the Lessor.

14. *Termination.* Either the Lessor or the Lessee may terminate this lease on thirty (30) days prior notice in writing to the other party, except that the Lessor shall not terminate a school lease during the school term unless the project is to be terminated at that time.

15. *Indemnity.* The Lessee will indemnify and save harmless the Lessor from all liability, claims, damages, or causes of action arising out of the Lessee's possession, use, maintenance, and operation of the premises or the fulfillment of its responsibilities in connection therewith.

16. *Notices.* Any notice desired or required to be given by the terms of this lease to the Lessor by the Lessee shall be given in writing addressed to Dayton Metropolitan Housing Authority at 702 Harries Building, Dayton 2, Ohio.

Any notice desired or required to be given by the terms of this lease to the Lessee by the Lessor shall be given in writing addressed to Board of Education, 232 N. Main Street, Dayton, Ohio.

17. *State Jurisdiction.* No provision of this lease shall be construed as depriving the State of Ohio or any political subdivision thereof of its civil and criminal jurisdiction over the premises.

18. *Members of Congress.* No member or Delegate to Congress, or Resident Commissioner shall be entitled to any share or part of this lease or any benefit that may arise therefrom.

19. *Non-Discrimination.* There shall be no discrimination

by reason of race, creed, color, national origin or political affiliations, against any employee or applicant for employment qualified by training and experience, for work in connection with this lease.

The Lessee shall include the foreging provision in all contracts for any part of the work under this lease.

IN WITNESS WHEREOF, the Parties have executed this instrument on the 30th day of August, 1951.

Dayton Metropolitan Housing Authority, Lessor
By Director

Board of Education, Dayton, Ohio
By Clerk-Treas.

Witnesses:
/s/ VIRGINIA M. CARTER

Plaintiffs' Exhibit 143J

[LETTERHEAD OF DAYTON BOARD OF EDUCATION]

July 28, 1953

Charlton D. Putnam, Director
Dayton Metropolitan Housing
Harries Building
Dayton 2, Ohio

Dear Sir:

I am taking this opportunity to Express the thanks of the Dayton Board of Education for the privileges which your organization has given them in granting them the use of your facilities for classes during the past years.

It has been a great help and a pleasure to use your building during this school housing emergency and we appreciate the many courtesies extended to our teachers and children.

With the rapidly increasing population in the city of Dayton we cannot tell just how soon we may have to ask your help again.

Sincerely yours,

/s/ F.G. CARLSON
F. G. Carlson, Asst. Supt.
Business Department.

Plaintiffs' Exhibit 143J

[LETTERHEAD OF THE DAYTON BOARD OF EDUCATION, 232 N. Main Street, Dayton 2, Ohio]

TO: Dayton Metropolitan Housing Authority – De Soto Bass Harries Bldg., Dayton 2, Ohio.

RE: Kindergarten sessions – 1949-50.

This form is being sent to you to confirm verbal agreement and letter of acceptance from your church for the use of one or more classrooms and furniture for 1 sessions, including the following services:

School Wogaman

Heat X Light X Sanitary Facilities X
Use of playground X Janitorial Services X
Other

The Board of Education is to be billed at the end of each month in the amount of:

$60.00 per 4 week month – non-heat months
$75.00 per 4 week month with heat

The Board of Education wishes to thank you for your co-operation in helping to temporarily solve the over-crowded conditions of our schools in your community.

/s/ F. G. CARLSON
F. G. Carlson, Asst. Supt.
Business Department.

August 1949. Date

Plaintiffs' Exhibit 143J

[LETTERHEAD OF THE DAYTON BOARD OF EDUCATION, 232 N. Main Street, Dayton 2, Ohio]

TO: Dayton Metropolitan Housing Authority – McGuffey Homes
Harries Bldg., Dayton 2, Ohio.

RE: Kindergarten sessions – 1949-50.

This form is being sent to you to confirm verbal agreement and letter of acceptance from your church for the use of one or more classrooms and furniture for 2 sessions, including the following services:

School McGuffey

Heat X Light X Sanitary Facilities X
Use of playground X Janitorial Services X
Other

The Board of Education is to be billed at the end of each month in the amount of:

$57.95 per 4-wk. month – non-heat months
$91.35 per 4-wk. month – with heat

The Board of Education wishes to thank you for your co-operation in helping to temporarily solve the over-crowded conditions of our schools in your community.

/s/ F. G. CARLSON
F. G. Carlson, Asst. Supt.
Business Department.

Sept. 8, 1949. Date

Plaintiffs' Exhibit 143J

[LETTERHEAD OF THE DAYTON BOARD OF EDUCATION, 232 N. Main Street, Dayton 2, Ohio]

TO: Dayton Metropolitan Housing Authority – McGuffey Homes
Harries Bldg., Dayton 2, Ohio.

RE: Kindergarten sessions – 1949-50.

This form is being sent to you to confirm verbal agreement and letter of acceptance from your church for the use of one or more classrooms and furniture for 2 sessions, including the following services:

School McGuffey

Heat X Light X Sanitary Facilities X
Use of playground X Janitorial Services X
Other

The Board of Education is to be billed at the end of each month in the amount of:

$57.95 [$56.50]* per 4 wk month – non-heat months
$91.35 [$88.00]* per 4 wk month – with heat

The Board of Education wishes to thank you for your co-operation in helping to temporarily solve the over-crowded conditions of our schools in your community.

/s/ F. G. CARLSON
F. G. Carlson, Asst. Supt.
Business Department.

August 1949. Date

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* Figures in brackets marked out on original copy.

PLAINTIFFS' EXHIBIT 150I

Dayton Public Schools
Racial Composition

School	Year	Black Student Composition	Black Teacher Composition
Garfield	1935	Approx. 50% black	Approx. 60% black
	1936	95% or more black	100% black
Wogaman	1943	Approx. 67% black	0% black
	1944	Approx. 90% black	0% black
	1945	95% or more black	100% black
Dunbar High	1933	100% black	100% black
Willard **	1934	Approx. 50% black	38% black
	1935	95% or more black	100% black

Sources: School directories and interviews with school personnel involved in the situations cited.

WPC:dw
111072

PLAINTIFFS' EXHIBIT 157C

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CIVIL ACTION No. 72-137

MARK BRINKMAN, et al.,

Plaintiffs,

v.

JOHN J. GILLIGAN, Governor
of the State of Ohio, et al.,

Defendants.

DEPOSITION OF DR. WAYNE CARLE

DEPOSITION OF DR. WAYNE CARLE, taken before me, F. L. Seymour, Notary Public in Montgomery County, for the State of Ohio, pursuant to agreement of counsel, at 1:30 o'clock p.m., Monday, June 19, 1972, in the office of Dr. Wayne Carle, 348 West First Street, Dayton, Ohio.

• • •

[3] WHEREUPON:

Dr. Wayne Carle

the witness having been duly sworn, was examined and testified as follows:

MR. DIAMOND: We are convened today pursuant to agreement of the parties to take the deposition of Dr. Wayne Carle, pursuant to the Federal Rules of Civil Procedure in the case of Brinkman versus Gilligan.

DIRECT EXAMINATION

BY MR. DIAMOND:

Q Dr. Carle, there will be a pre-trial conference on Friday, in Judge Rubin's chambers, and Plaintiffs are particularly interested here today in exploring with you the necessity of immediate planning or the efficiency of having planning begin on the implementation of the desegregation plan which was previously adopted by the Dayton School Board, and to lay the background for that inquiry, if you would, please, could you briefly summarize the history of the resolutions and planning which led to adoption of that plan of desegregation?

A Yes.

MR. GREER: We object insofar as all this is a matter of record from the School Board minutes. Go ahead and proceed.

[4] THE WITNESS: The concern about racialization in the Dayton Schools dates back at least four years, but in particular, would be associated with several specific events. One was the notice received in the fall of 1958 of a compliance review by the Office for Civil Rights of the Department of Health, Education, and Welfare, which constituted a study of the Dayton Schools, as continued to the present, and resulted in the following spring in a letter notifying the district that it was in non-compliance with respect to the assignment of schools, expressing concern for the substantial neutrality of enrollment of pupils in the school, and asking that the district take action to rectify it.

The Board of Education subsequently adopted the resolution notifying the federal government that staff would be desegregated, and under a separate action, applied for a federal grant for the purpose of studying the pupil segregation and other aspects of the problem of desegregation. This would be in 1969. At about the same time, a citizen's committee, which was called the Citizens Advisory Council to the Dayton Board of Education, studied all aspects of school operation, and considered as part of its task, the problem of racialization.

As the result of those initial activities, the desegre- [5] gation of staff was undertaken, and essentially completed this last fall, the fall of 1971, and a series of studies made of enrollment patterns of approaches to human relations, including in-service education of administrators and teachers, and finally, a resolution by the Board of Education in the spring of 1971 — I should precede that by saying that in December of 1970, a complete report up to that point was submitted under the title "School Integration," noting that there were many alternatives that could be explored, all the way from doing nothing, to completely desegregating the schools, and then in the spring of 1971, a Board resolution noted the problem of racialization, called upon the State Department of Education to make recommendations regarding alternatives available for reducing racial and economic isolation of pupils, and authorizing the President of the Board to establish a citizens committee, which subsequently became known as the Committee of 75, to examine the recommendations of the State Department of Education, and make recommendations to the Board of Education.

That committee then embarked upon a series of meetings and studies which culminated in late autumn with a report entitled "Report of the Committee of 75," which not only summarized the activities of that committee, but noted racialization as being the number one problem in the Dayton [6] schools, and urging the Board to proceed with solutions to it. Subsequent to that report, the Board then acted upon, in December of 1971, three resolutions that were designed, first, to call upon the Greater Dayton community to recognize the problems of racial and economic isolation in housing, employment, and education, and to join in bringing about justice and equality, and, secondly, calling upon the State Department of Education to require all the school districts in the metropolitan area, planning for the ending of racial and economic isolation, and requiring them to implement those plans by September of 1973, and in the third resolution, rescinding the present attendance boundaries of the Dayton Schools, setting

up criteria for the desegregation of schools, and directing the superintendent to develop and implement a plan for integrating the Dayton Schools by September of 1972.

BY MR. DIAMOND:

Q Let me interrupt you here, Dr. Carle. How long have you been with the Dayton Schools?

A Four years.

Q And in that four-year period, what was your position?

A Superintendent of schools, the chief executive officer of the Board of Education.

Q And could you give me the date, approximately, when you [7] started in that position?

A June 10, 1968.

Q And what did you do before then?

A I was assistant state superintendent of public instruction.

Q For the State of Ohio?

A For the State of Ohio.

Q And what did you do before then?

A I was assistant superintendent of the Akron Ohio Schools.

Q And how long had you been in those two positions?

A Two years in the State position, and seven years in the Akron position.

Q And what was your background before that?

A High school and college teacher.

Q And what systems?

A In Utah; Provo, Utah, and in Dushane, Utah.

Q What is your educational background?

A Bachelor and Master Degrees in English and educational administration from Brigham Young University in Utah. A Ph. D. Degree in education at Ohio State University.

Q In your educational background, and in your experience in these various positions, have you come to be familiar with all phases of educational administration at the elementary and secondary level?

A I believe so, insofar as is possible for one to be [8] familiar with all phases today.

Q I have here three documents. Would you tell me what they are?

A These are marked one, two and three, and constitute resolutions adopted by the Board of Education as I described, calling upon area cooperation, State Board of Education and the State of Ohio action, and local district action to desegregate the schools.

Q Are these the resolutions that you referred to that were adopted by the Board in December of 1971?

A Yes, they are.

Q I am going to read a statement from these resolutions, and ask you a question based thereon. "This Board hereby recognizes and admits that racial and economic segregation exists in the Dayton schools because of the actions and in-actions of this and predecessor Boards in the establishment of attendance districts, the location and expansion of school buildings, pupil assignment practices, design of curriculum suitable to urban needs, the assignment of teachers and other staff, and the conduct of student activity programs. That this Board recognizes that past actions or in-actions of the Board of Education and residential racial segregation are interdependent phenomena. Segregated educational opportunity and unequal educational opportunities [9] for minority and poor students now exist in the Dayton public schools, and this inequality exists as a result of the acts and omissions of this Board and preceding Boards in their decisions concerning the site selection of school buildings, size of school buildings, changes and adoptions of school attendance boundaries, pupil assignment practices, faculty and staff hiring and assignment practices."

Q Dr. Carle, in your experience as four years of the superintendent of the Dayton public schools, do you agree with the sum and substance of those resolutions?

MR. GREER: I object.

MR. HOLSCHUH: For the record, I feel that I should note an objection. First, on the basis that the proported reso-

lutions from which you have apparently read are not in evidence, and secondly, and certainly more importantly, you are seeking to get from this witness his personal opinion as to whether he concurs in the opinions of somebody else as set forth in that resolution. I would have no objection, of course, to any questions that you want to ask Dr. Carle concerning the facts, statistics, figures, but the objection goes to your calling for an opinion and conclusion of this witness.

[10] MR. GREER: We have the same objection on behalf of the Dayton Board of Education.

MR. FLEISCHAUER: I will enter the same objection on behalf of Dr. Carle.

BY MR. DIAMOND:

Q The witness may now answer the question.

A In the past four years, I have had considerable opportunity to review the history of the school district, and to be acquainted with the present condition of the schools. The paragraphs to which you alluded had to do with the impact of Board actions or in-actions through policy or procedure, the relationship of housing, and the impact of other governmental policies or procedures through housing, and the relationship of the operation of the schools to the education of boys and girls in the city district in relation to these actions or in-actions.

In each case, I would support that the allegations made in those paragraphs are factual, and that they are at the heart of the confronting education in urban centers of this country.

MR. HOLSCHUH: I move to strike, for the reasons I previously stated, and for the additional reason that the witness answer is clearly based upon what he has read or heard, and founded upon hearsay.

[11] MR. GREER: We will have the same motion. I think it's clear from the witness's answer that he is referring to a generalized state of affairs throughout the whole country, more than any specific thing the School Board of Dayton did or failed to do.

BY MR. DIAMOND:

Q Dr. Carle, does your answer reflect your personal experience here in Dayton?

A Yes. I thought I had emphasized that in the preamble, that the judgment is based upon my experience with the schools as they now are, and as the records indicate they have been.

MR. HOLSCHUH: The same motion.

MR. GREER: To save time, would it be agreeable to all concerned that if one party makes an objection, it will stand as the objection for all of the defendants, unless somebody speaks up and disaffirms it?

MR. DIAMOND: That's fine with us.

BY MR. DIAMOND:

Q In your answer, Dr. Carle, you referred to not only your personal experience, but your examination of records. Were those the records of the Dayton schools which are under your possession?

[12] A Yes.

Q In the resolution of December, 1971, in relationship to the planning, what were the basic criteria that were set up by the school board in attempting to achieve desegregation of the Dayton schools for September, 1972?

MR. HOLSCHUH: You are referring to what is in the resolution, Mr. Diamond?

MR. DIAMOND: Yes.

BY MR. DIAMOND:

Q You were directed, I understand, according to your answer, by the Board to undertake that planning, and I am asking you now, what were the criteria upon which you undertook that planning? What steps did you take? Did you hire outside consultants? Did you do it yourself? How did that proceed from December of 1971?

A The basic criterion was that no building would have a racial composition or family income characteristic which was substantially disproportionate to the district as a whole. In other words, that each school would reflect roughly a cross section of the school district. The records to which I referred earlier in the reports, particularly had examined a number of desegregation plans and implementations across the country over the past two or three years, so that we were aware of a number of factors which appeared [13] to be useful and successful, and some perhaps which were less justifiable, and so that I was interested, when the Board gave me the assignment of developing a plan, in including the very best qualities that could be set forth in relation to experience in other urban centers, particularly.

I had heard that Dr. Gordon Foster, at the University of Miami, had been involved in several of those plans, and had also, of course, previously resided in this area while a member of the University of Miami, Ohio. I, therefore, immediately contacted Dr. Foster to see whether he would have time to assist us with planning, since he is also director of the school desegregation center in Miami, and he was willing to make his experience available, although it was done as an individual, not as an activity of that center.

He then drew together a planning team, and came to Dayton to examine the district, the buildings, the records, and after amassing that information, returned to Florida and worked on a draft of the plan, which we then reviewed with the members of my staff, and was finally formulated into a proposal which I approved on January 3, I believe, of this year, 1972.

In that process, Dr. Foster consulted widely in the community [14] with various community leaders, as well as conversations with persons on the street and in the schools, with particular reference to minority points of view, as well as to the establishment points of view, and developed a plan which incorporates many positive features that have proven desirable elsewhere. Among these are the continued –

MR. HOLSCHUH: Excuse me, Dr. Carle, but I would object. I don't think that's responsive. I think Mr. Diamond's question was, what did you do as a result of the Board resolution.

MR. DIAMOND: To the contrary, I think it is responsive.

THE WITNESS: May I continue?

MR. HOLSCHUH: Aren't you now asking him for his opinion of the plan?

MR. DIAMOND: I presume he is telling me – He just said he recommended the plan to the Board. He is giving me the reasons. This presumably goes in to his response to the Board's call upon him.

MR. HOLSCHUH: Well, I understood your question was, what action did he take in response to the Board's call, and I expected his answer to be limited to that action. Note my objection. Go ahead, Doctor.

[15] THE WITNESS: I was attempting to illustrate the extent to which the consultation had taken into account plans elsewhere.

BY MR. DIAMOND:

Q Did your planning and your consultation with Dr. Foster, and did Dr. Foster have access to and the benefit of the previous planning of, say, the Committee of '75?

A Yes, all the pertinent records to which I referred to earlier were made available to Dr. Foster, and in addition to that, he visited school buildings, collected additional records from our operation, such as the Ohio State University building facility survey, which had been completed the year before, and as I say, consulted with groups in the community. Then the point I was trying to make with regard to the nature of his planning, and the criteria that we used, one feature was that students continued to attend schools as a neighborhood group. That assignment to school would have been by neigh-

borhood areas. That roughly proportional groups of white and black and high and low income students would have been moving, so that no one group assumed anymore burden or sacrifice of the plan than another, and that it was not necessary to assign any pupil to a building on the basis of individual characteristics of race or income, but rather on a group criteria that would certainly not depart [16] from any past practice or guarantee of individuality.

Q I show you a document. Would you describe what that is?

A This is entitled "Desegregation Study, Dayton Public Schools, Dayton, Ohio," and is the plan developed by Dr. Gordon Foster, and submitted to me pursuant to the direction I received from the Board of Education.

Q Is that the plan, then, that you recomemnded that the Board of Education adopt?

A It is.

Q And was that recommendation based on the criteria which you have mentioned?

A May I re-reply to your question?

Q Yes.

A Could I have the question back?

(Whereupon, the question referred to was read by the Reporter.)

THE WITNESS: May I change that answer?

MR. DIAMOND: Sure.

THE WITNESS: I did not recommend it to the Board, since the Board had already given me both the direction and authority to plan and implement desegregation of schools. I simply announced publicly that this plan was adopted, and was in the process of being implemented. [17] There was no necessity for Board action on the plan.

BY MR. DIAMOND:

Q Was that decision based upon the criteria which you have mentioned?

A Yes, it was.

Q Based on those criteria and the plan, in your experience, is the plan both educationally sound and administratively feasible?

MR. HOLSCHUH: Objection.

THE WITNESS: Yes.

BY MR. DIAMOND:

Q What, then, happened, Dr. Carle, in terms of the history if you can bring us up-to-date?

A The Board of Education had three new members after the acceptance of this plan, and subsequent to that, adopted resolutions designed to rescind the previous action of the Board, and indeed the resolutions were somewhat parallel in construction, except worded in the negative, and substituting other actions, rather than the desegregation of schools.

Q And when that occur, approximately?

A In January. I do not recollect whether it was the first or second meeting of the Board.

Q In terms of the plan, which I will describe as that of [18] January 3, 1972, to desegregate the Dayton Public Schools, would it be beneficial for implementation for the fall of 1972, if the details of the planning began as soon as possible.

MR. HOLSCHUH: Objection.

MR. GREER: The same objection.

THE WITNESS: It is desirable to have as much lead-time in planning as possible, but the plan itself is reasonably complete, and requires only detail work to be placed into effect, so that time is not really of the essence, other than it would be desirable to have as much lead-time as possible for information, and for community involvement purposes.

BY MR. DIAMOND:

Q Let me ask the question this way: As the Chief Administrative Officer of this school system, would it be helpful to you in the procurement of transportation, in the notification to

students of assignments, to have it known, if you were going to implement the plan in the fall of 1972, to have that knowledge imparted to you, June 31, as opposed to August 31?

A Definitely. The original intent, of course, was that the time from January through September would have beeen available for that implementation, and obviously, the closer it gets, the more intensified would be the preparations [19] that would have to be carried out.

Q In your opinion, Dr. Carle, do you believe that the plan, as of this date, can be implemented for fall of 1972?

A I base my answer on the fact that more complicated plans have been implemented in other communities in less time than now remains between now and September. I would say yes.

MR. DIAMOND: I have no further questions.

CROSS EXAMINATION

BY MR. GREER:

Q Dr. Carle, let me try to get some of the chronology straight on some of these events. What was the meeting, or what was the date of the meeting, in December of 1971, when these three resolutions you have discussed with Mr. Diamond were contracted by the Board?

A I believe the date was December 8.

Q Prior to that time, there had been an election of three new Board members, had there not?

A In November there had been an election, yes.

Q And it was known at the time of the meeting of December 8, who the three new Board members would be, and that they would take office on January 1 of 1972?

A That's correct.

• • •

PLAINTIFFS' EXHIBIT 157D

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

Civil Action No. 72/137

MARK BRINKMAN, et al.,

Plaintiffs,

v.

JOHN J. GILLIGAN, Governor
of the State of Ohio, et al.,

Defendants.

DEPOSITION OF MARTIN W. ESSEX

DEPOSITION OF MARTIN W. ESSEX, a witness of lawful age, taken on behalf of the Plaintiffs in the above entitled cause, pursuant to stipulation, before Sara W. Stewart, a Notary Public in and for the State of Ohio, at the offices of Beiser, Greer & Landis, 8 N. Main St., Dayton, Ohio, on the 11th day of November, 1972, at 10:00 o'clock a.m.,

APPEARANCES:

On behalf of the Plaintiffs: Louis Lucas, Attorney at law, 61 Kirkland St., Cambridge, Massachusetts;

On behalf of the Defendant, the Dayton Board of Education: Beiser, Greer & Landis, by David C. Greer, Attorney at law, 2nd Floor, 8 N. Main St., Dayton, Ohio;
On behalf of the Defendants, the State Board of Education, and Dr. Martin Essex: Alexander, Ebinger, Holschuh & Fisher by John D. Holschuh & Alvin J. McKenna, Attorneys at law, 1120 Huntington Bank Bldg., Columbus, Ohio.

• • •

Plaintiffs' Exhibit 157D

[p. 54]

Q Well, let's assume by segregation we mean some sort of State action that caused this to happen, and let's talk first of all, just in purely racially isolated, regardless of how it got that way.

A In Ohio?

Q Let me ask you what you would consider a school to be when you would consider a school to be racially isolated in that context?

A We would consider it to be racially isolated from the standpoint of the State Department of Education when this had resulted from the actions of some legally constituted body which had separated races.

Q So when the State Department uses that term that is what they mean?

A This would be – We only see it through – we do not construe the neighborhood school concept as, or a neighborhood school as one which is racially segregated if we can relate it to the terms of legal factors as having been caused by some legal action. In Ohio segregation from a legal point of view was abolished many, many years ago, somewhere in the prior century, just as at Oberlin College, and on and on. Ohio has not had segregated schools on a legal basis so far as . . .

PLAINTIFFS' EXHIBIT 161A

Motion to adjourn to Monday, June 5, 1933 . . .

MONDAY, JUNE 5, 1933
ADJOURNED MEETING

President Stephens in the chair

MEMBERS ANSWERING ROLL CALL – 7
MEMBERS ABSENT – 0

RESOLVED THAT the Paul Laurence Dunbar School be opened and occupied at the beginning of the next school year, and that the Superintendent be instructed to proceed with the necessary steps in equipping this school for occupancy, and

BE IT FURTHER RESOLVED that the 7th and 8th grades at the Garfield and ——— schools be discontinued, and that attendance at the Paul Lawrence Dunbar School be ——— for all junior high school students of the 7th, 8th, and 9th grade levels in the ———.

PLAINTIFFS' EXHIBIT 161B

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF DAYTON, OHIO

THURSDAY, JUNE 11, 1942
REGULAR MEETING

Due to emergency housing conditions in the city, it will be necessary for the Board of Education to approve certain adjustments in pupil assignments for the coming year. Therefore,

BE IT RESOLVED THAT the Board of Education authorize the Superintendent of Schools to assign the pupils from the eighth grade at Webster and McGuffey Schools to the Kiser High School.

BE IT FURTHER RESOLVED THAT the seventh grade pupils from the Willard and Garfield Schools be assigned to Dunbar High School.

BE IT FURTHER RESOLVED THAT the school children in the De Soto Bass Courts, Grades 1-6, be assigned to the Wogaman School.

The vote was taken on the adoption of the foregoing resolution, with the following result.

Cook, Eberhart, Schenck, Mrs. Wineland, and Wortman, — 5 yeas.

So the President declared the resolution adopted.

PLAINTIFFS' EXHIBIT 162

[LETTERHEAD OF STATE OF OHIO, DEPARTMENT OF EDUCATION, COLUMBUS 43215]

November 17, 1972

Mr. John D. Holschuh
Alexander, Ebinger, Holschuh, Fisher and McAlister
17 South High Street
Columbus, Ohio 43215

Mark Brinkman, et al
vs.
John J. Gilligan, et al

Dear Mr. Holschuh:

The following information was requested by Louis R. Lucas of Dr. Martin W. Essex during his deposition on November 11, 1972 in Dayton:

1) School foundation payments to the Dayton City School District during Fiscal Years 1972 and 1973.

2) Judge William Ammer's decision regarding Bloomfield-Mespo and Farmington charter revocations.

3) State Board of Education resolution regarding Bratenahl Local School District.

4) Federal funds allocated to the Dayton City School District by the State Department of Education.

Please be advised that during Fiscal Year 1972, the Dayton City School District received a total of $9,525,492 through the State Foundation Program. Based upon July estimates of enrollment and staffing levels, the Dayton City School District will receive $11,521,673.84 during Fiscal Year 1973. Actual Fiscal Year 1973 payments to Dayton will not be known until adjustments are made in January, 1973.

Plaintiffs' Exhibit 162

Attached herto are the other items requested.

Sincerely yours,

/s/ G. R. BOWERS
Assistant Superintendent
GRB:j

DEFENDANTS' EXHIBIT B

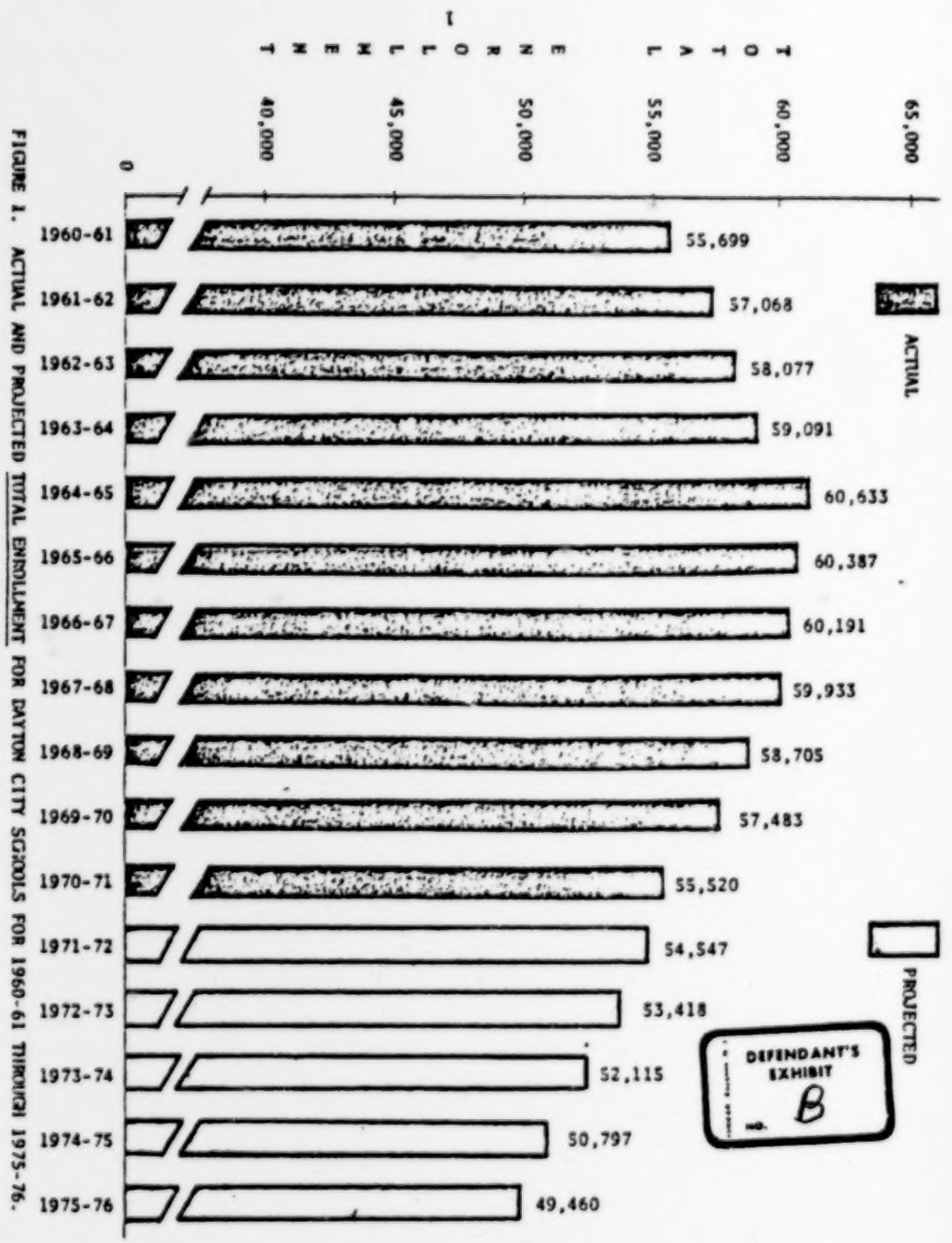

FIGURE 1. ACTUAL AND PROJECTED TOTAL ENROLLMENT FOR DAYTON CITY SCHOOLS FOR 1960-61 THROUGH 1975-76.

206

DEFENDANTS' EXHIBIT D

THURSDAY, AUGUST 25, 1966 -- REGULAR MEETING

The following school transportation policy as prepared by William Goff, Director of Pupil Personnel Services, was recommended for approval by Robert B. French, Superintendent of Schools:

DAYTON CITY SCHOOL DISTRICT
SCHOOL TRANSPORTATION POLICY

I. Elementary School Pupils (Grades K-8)

A. Any elementary grade student (except kindergarten) whose residence is more than 1.2 miles radial distance from his school of attendance will be transported to that school from designated pick-up points.

1. Such transportation *will be* provided when the school of attendance is less than *thirty (30) minutes direct travel time* by school bus from the designated public school collection point.
2. Upon the recommendation of the Superintendent of Schools and approval by the Board of Education, transportation for elementary pupils *may* be provided with the 1.2 mile radius distance where high hazard conditions exist and the safety of the student is endangered.
3. Transportation *may* be provided for kindergarten students where the area of residence is being served and when room on the bus is available.

II. High School Pupils (Grades 9-12)

A. Transportation *will be* provided for high school pupils whose residence is more than two (2) miles radial distance from the school of attendance provided further that:

1. The residence of the pupil is more than 1.2 miles direct travel distance to the nearest city public transportation line, AND
2. the travel time by city public transportation is more than forty-five (45) minutes to the designated school of attendance AND
3. the public school collection point is within thirty (30) minutes direct travel time by school bus.

B. Upon the recommendation of the Superintendent of Schools and approval by the Board of Education transportation *may be* provided for high school pupils to the designated school of attendance in the neighborhood or parish district within the two-mile radial distance where unusual conditions of hazard and safety exist.

III. Crippled Pupils

Transportation will be provided to the school of attendance for all children who are so crippled that they are unable to walk to and from school.

August 25, 1966

It was moved by Mr. Farrier, seconded by Mr. Lucas, that the above transporation policy be approved as recommended.

YEAS: Members Farrier, Lucas, Martin, Murr, Shellabarger, and Kline – 6
NAYS: None

This is a certified true copy of an entry in the Minutes of the August 25, 1966, meeting of the Board of Education, Dayton City School District, Dayton, Ohio.

.....
HAROLD L. HOWARD,
Clerk-Treasurer

THURSDAY – AUGUST 21, 1969 – REGULAR MEETING

[AMENDMENT
TO SCHOOL TRANSPORTATION POLICY]

That Section 1-A of the School Transportation Policy be amended to read as follows:

Any elementary grade student (except kindergarten) whose residence is more than 1.5 miles direct travel distance from his school of attendance will be transported to that school from designated pick-up points.

It was moved by Rev. Price, seconded by Mr. MARTIN, that the above amendment to the School Transportation Policy be adopted as recommended by the Supt. of Schools.

YEAS: Lucas, Martin, Price, Shellabarger, and Levy – 5
NAYS: None

The motion was declared approved.

This is a certified true copy of an Amendment adopted by the Dayton Board of Education on August 21, 1969.

/s/ HAROLD L. HOWARD
Clerk-Treasurer

DEFENDANTS' EXHIBIT E

TRANSPORTATION PROGRAM

Year	1966-67	1967-68	1968-69	1969-70	1970-71	1971-72
Total Number of buses operated daily for regular students average for AM & PM	47	60	56	50	35	31, 13 for FOE 2nd sem.
No. of St. John Buses - average AM & PM	47	60	56	50	22	18
No. of Board owned buses	0	0	0	0	13	13
Total No. of Students Transported	4,601	5,333	5,948	6,070	5,492	5,404
No. of Public Students Transported	3,110	3,709	4,572	4,683	4,134 (1,281)*	3,399 (1,347)*
No. of Non-Public Students Transported	1,390	3,499	1,228	1,168	956 (479)*	820 (435)*
No. of Freedom of Enrollment Students Transported (second semester)	0	0	0	0	0	530

* Denotes No. of Students Transported on Board Buses

DEFENDANTS' EXHIBIT N

THURSDAY – DECEMBER 10, 1959 –
REGULAR MEETING

Motion was made by Mr. Wortman, seconded by Dr. Light, that the 2 foregoing resolutions be adopted.

The vote was taken upon the adoption of the resolutions, with the following result:

Broaddus, Farrier, Light, Murr, Mrs. Shellabarger, Wortman, and Kline – 7 Yeas

Resolutions adopted.

Remarks were made by Mrs. Miley Williamson, executive secretary of the Dayton branch of the National Association for the Advancement of Colored People (NAACP), concerning the selection of the site for the proposed new Dunbar High School, withdrawing previous objections.

This is a certified true copy of an entry in the Minutes of the December 10, 1959, meeting of the Board of Education, Dayton City School District, Dayton, Ohio.

/s/ HAROLD L. HOWARD
Clerk-Treasurer

DEFENDANTS' EXHIBIT AB

[FREEDOM OF ENROLLMENT POLICY]

THURSDAY – MAY 29, 1969 – REGULAR MEETING

Rev. Price, presented the following statement to the Board:

This Board is committed to the achievement of quality integrated education for all pupils in the Dayton schools. Within the past month we have requested assistance from the State and Federal offices of Equal Educational Opportunity to explore every feasible means of moving toward this goal. Many individuals have expressed their desire to provide for children, learning opportunities that at present may be limited by housing patterns that may prevail in our urban centers. They may desire to enroll children in a school offering a course or student body composition not available within the attendance area of residence.

The need for additional classrooms exists in many areas of the city. Limited space within certain classrooms is available from time to time. Thus, voluntary transfers may assist in better utilization of all buildings.

For these reasons a policy statement on freedom of enrollment is proposed to make voluntary transfers available to all families within the school district.

Freedom of Enrollment Policy

A. **Transfer Within District**

The parent of a pupil in good standing enrolled in the Dayton Public School District may request assignment of the pupil to any school building within the district where space may be available to accomodate him. Such requests will be granted according to the following priorities:

Plaintiffs' Exhibit AB

1. Students residing within the attendance area of a school building shall have *first* priority to assignment to that building.
2. Students meeting the requirements for a course available only in the particular building shall have *second* priority for attendance in that building.
3. A student desiring enrollment in any building for whatever reason shall have *third* priority in that build-building providing his enrollment will contribute to improved racial balance in that building.
4. Transfer to another school within the city may be made at the beginning of a semester.
5. A permit to attend a school outside the attendance area of resident is valid until the end of the school year for which it is issued. It is *renewable on a year-to-year* basis depending upon availability of space in the receiving school. A student requesting renewed assignment shall have priority over new transfer requests.
6. Students desiring return to their home school district may do so at the end of a semester, unless an emergency situation arises, and will not be eligible for further free enrollment transfer.
7. An application for transfer may be obtained from and submitted to the principal of the home school district. All requests for transfer shall be forwarded by the principal to the Department of Pupil Personnel for action.
8. Transportation will be the responsibility of the parent.

B. **Student Exchanges Within the City**

1. Any two pupils, or group of pupils, attending schools within the district may voluntarily exchange places for a semester or a year if such exchange will improve the racial balance in the receiving schools.

2. Procedures shall be the same as for transfers as enumerated above.

Following completion of discussion during which time members of the audience, both proponents and opponents of the proposed policy statement, were heard; it was moved by Rev. Price, seconded by Dr. Carrell, that the Board endorse the Freedom of Enrollment Policy and that the Superintendent of Schools be authorized to make such policy known immediately so that enrollments may be made for the 1969/70 school year.

YEAS: Carrell, Martin, Price, Seaman, Shellabarger, and Levy – 6

NAYS: None

The motion was declared approved.

This is a certified true copy of an entry in the Minutes of the May 29, 1969, meeting of the Board of Education, Dayton City School District, Dayton, Ohio.

HAROLD L. HOWARD, Clerk-Treasurer
/s/ HAROLD L. HOWARD

DEFENDANT'S EXHIBIT NO. AI(a)

Staff and Pupil Data
for Selected Years

	1950-51						1951-52						1954-55						1956-57			
	Staff	Black	%	Pupils	Black	%	Staff	Black	%	Pupils	Black	%	Staff	Black	%	Pupils	Black	%	Staff	Black	%	No Pupil Data
Elem.																						
Jane Addams				405	123	30.4				443	130	29.3										
Allen				475	46	9.7				494	40	8.1										
Belle Haven					NA						NA					NA						
Belmont El.				1099	0	0				1147	0	0										
Brown				729	0	0				824	0	0							34.5	.5	1.4	
Carlson					NA						NA					NA						
Central				638	245	38.4				687	233	33.9							22.0	1	4.5	
Cleveland				701	0	0				711	0	0										
Cornell Hts.					NA						NA											
Drexel				742	189	25.5				737	213	28.9										
Eastmont					NA						NA					NA						
Edison				432	186	43.1				463	199	43.0	26	3	11.5				25.0	4	16.0	
Emerson				1158	24	2.1				1218	22	1.8	51	1	2.0				49.0	1	2.0	
Fairport					NA						NA											
Fairview El.				834	0	0				905	0	0										
Ft. McKinley				489	0	0				364	0	0										
Franklin				516	0	0				504	0	0										
Garfield	22	22	100	685	685	100	25	25	100	700	700	100	18	18	100				20.0	2WPT 20	Less than 100%	
Gardendale					NA						NA					NA						
Gettysburg				?	?	?				?	?	?										
Grant				365	0	0				400	0	0							3.0	1	3.2	
Greene				358	28	7.8				401	26	6.5							22.0	1	4.5	
Hawthorne				275	0	0				278	0	0										
Hickerydale					NA						NA					NA						
Highview					NA					?	?	?	21	1	4.8				28.0	5	17.9	
Huffman				785	0	0.0				774	1	0.1										
Irving				960	262	27.3				609	312	46.6							33.0	4	12.1	
Jackson El.				785	206	26.2				790	284	35.9	28	3	10.7				33.0	7.5	22.7	
Jackson Pr.					NA						NA											
Jefferson El.				953	0	0				946	0	0										
Jefferson Pr.					NA						NA											
Kemp				271	0	0				276	0	0										
Lewton				191	0	0				196	0	0										
Lincoln				676	0	0				646	0	0										
Longfellow				494	4	0.8				499	2	0.4										
Loos				506	0	0				504	0	0										
MacFarlane					NA						NA											
Horace Mann					NA						NA											
McGuffey				486	0	0				524	0	0										
McKinley					NA						NA		14	1	7.1					1		
McNary					NA						NA											
Meadowdale El.					NA						NA											
Miami Chapel					NA						NA		35	29	82.9				36.0	3W33 4WPT	Less than 91%	
Patterson El.				478	0	0				456	0	0										
Paulding & Pk. El.				412	0	0				462	0	0										
Residence Pk. Pr.					NA						NA											
Ruskin				600	2	0.3				596	2	0.3										
Shiloh				296	0	0				303	0	0										
Shoup Mill					NA						NA											
Louise Troy					NA						NA											
Valerie					NA						NA											
Van Cleve				506	0	0				483	0	0	20	1	5.0				22.0	1	4.5	
Washington				653	124	19.0				706	128	18.1							21.0	2	9.6	
Weaver				648	453	69.9	21	1	4.8	639	477	75.0	30	3	10.0				36.0	14	36.1	
Webster				706	0	0				624	0	0										
Westwood				960	1	0.1				931	1	0										
Willard	28	28	100	846	818	100	29	29	100	778	778	100	22	22	100.0				19.0	19	0	
Wheeler				515	115	22.5				938	141	20.0	20	1	5.0				27.0	5	18.5	
Wooster	33	33	100	1111	1111	100	35	35	100	1111	1111	100	33	33	100.0				42.0	1WPT	Less than 100%	
Orville Wright					NA						NA								34.0	1	4.2	
Hayes																						
Belmont					NA						NA											
Bunker	52	52	100	1032	1032	100	53	53	100	1018	1018	100	38	38	100.0				49.0	2WPT	Less than 100%	
Fairview				813	0	0				856	0	0							52.0	1	1.9	
Riser				910	7	0.8				923	5	0.5										
Meadowdale					NA						NA											
Patterson Co-op				634	5	0.8				708	8	1.1										
Paulding				3306	642	19.4				3407	750	22.0							88.0	2	2.3	
Rush					NA						NA											
Shipman				1139	9	0.8				1127	13	1.2							58.0	1	1.7	
Colonel White				879	0	0				854	0	0										
Wilbur Wright				1	44	1.1				1140	27	2.2							72.0	1	1.3	
[illegible]																						
[illegible]													115	5	4.1							
[illegible]																			4.0	1	25.0	
[illegible]																						
Newman				1	46	28.4				101	21	20.8										
Kennedy				99	3	3.4				92	1	1.3										

Division of Research
Management Services [illegible]

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DEFENDANTS' EXHIBIT AI(b)

Staff and Pupil Data
for Selected Years

	1958-59				1963-64 (Estimated)					1968-69				1969-70				
	Staff	Black	%	Pupils	Black	%	Staff	Black	%	Pupils	Black	%	Staff	Black	%	Pupils	Black	%
Elem.																		
Jane Addams							20	2	10.0	600	250	41.7	26	6	23.1		73.8	27	7	25.9		78.7
Allen							18	0	0.0	574	4	0.6	25	1	4.0		0.1	27	3	11.1		0.1
Belle Haven							37	0	0.0	1180	0	0.0	45	2	4.4		5.0	50	6	12.0		5.7
Belmont El.							26	0	0.0	794		0.0	27	1	3.7		0.0	27	2	7.4		0.0
Brown							39	0	0.0	1177	6	0.5	45	1	2.2		0.6	44	2	4.5		0.8
Carleon	9	9	100				10	10	100.0	244	234	95.9	25	21	84.0		99.0	27	7	74.1		99.7
Central	22	4	18.2				17.5	4	22.9	350	175	50.0	NA				NA	NA				NA
Cleveland							36	0	0.0	1180	0	0.0	45	1	2.2		0.0	47	3	6.4		0.1
Cornell Elem.							30.5	0	0.0	890	0	0.0	34	3	8.8		44.2	39	8	20.5		59.1
Drexel							23	0	0.0	700	25	3.5	26	2	7.7		5.7	31	8	25.8		4.1
Eastmont							28	1	3.6	950	0	0.0	37	1	2.7		0.0	33	4	12.1		0.0
Edison	26	5	19.2				26	6	23.1	800	640	80.0	18	16	88.9		97.3	25	15	60.0		98.3
Emerson							40	2	5.0	1000	0	0.0	43	4	9.3		6.8	42	6	14.3		13.6
Fairport							26	0	0.0	780	0	0.0	34	2	5.9		0.1	33	4	12.1		4.6
Fairview El.							28	0	0.0	667	7	1.0	34	2	5.9		1.7	32	3	9.4		3.7
Ft. McKinley							17	0	0.0	510	0	0.0	18	1	5.6		0.0	21	3	14.3		2.5
Franklin							23	0	0.0	691	0	0.0	37	1	2.7		0.0	37	2	5.4		0.0
Garfield	21	21	100					NA			NA			NA			NA		NA			NA
Gardendale							8	1	12.5	176	14	7.9	11	3	27.3		28.5	14	2	14.3		43.3
Gettysburg							19	1	5.2	630	0	0.0	26	1	3.9		5.2	21	4	16.0		6.6
Grant							31	1	3.2	917	0	0.0	32	2	6.3		0.1	30	2	6.7		0.9
Greene	23	5	21.7				23	11	47.8	715	640	89.5	26	21	80.8		96.8	31	17	54.8		97.5
Hawthorne							10	0	0.0	316	0	0.0	12	0	0.0		0.0	13	1	7.7		0.0
Hickorydale							18	0	0.0	565	0	0.0	22	0	0.0		6.6	25	3	12.0		16.3
Highview	28	5	17.9				30	16	53.3	807	662	82.0	36	21	58.3		97.0	34	17	50.0		98.2
Huffman							35	5	14.3	834	8	0.9	41	3	7.3		0.0	44	3	6.8		3.4
Irving	36	10	27.8				34	17	50.0	1035	1000	96.6	35	26	74.3		99.0	35	26	74.3		100.0
Jackson El.	33	9	27.3				31	23	74.2	1147	1130	98.5	39	33	84.6		99.1	41	32	78.0		99.5
Jackson Pr.							18	11	61.1	537	517	96.3	23	19	82.6		98.8	22	12	54.5		99.2
Jefferson El.							38	0	0.0	1284	16	1.2	44	8	18.2		60.1	36	14	38.9		80.3
Jefferson Pr.							—	—	—	—	—	—	NA	9	39.1		57.1	28	11	39.3		72.0
Kemp							24	0	0.0	725	0	0.0	28	0	0.0		0.0	27	2	7.4		0.0
Lawton							20	0	0.0	600	0	0.0	22	0	0.0		0.0	24	2	8.3		0.0
Lincoln							33	1	3.0	1145	0	0.0	43	1	2.3		0.0	43	4	9.5		0.2
Longfellow							28	1	3.6	850	50	5.9	40	7	17.5		42.3	45	9	20.0		50.2
Loos							27	0	0.0	785	15	1.9	29	1	3.5		4.6	30	4	13.3		5.0
MacFarlane							43	43	100.0	1229	1225	99.7	49	48	98.0		99.9	48	41	85.4		99.9
Horace Mann							15	0	0.0	435	0	0.0	14	0	0.0		0.2	14	2	14.3		7.0
McGuffey							34	1	2.9	925	0	0.0	36	1	2.8		14.4	37	6	16.2		18.9
McKinley																						
McNary								NA				NA	22	19	86.4		99.4	23	15	65.2		98.8
Meadowdale							29	0	0.0	930	0	0.0	31	1	3.2		8.0	29	4	13.8		12.8
Miami Chapel	28	25	89.3				29	27	93.1	793	790	99.6	33	29	87.9		99.9	37	28	75.7		99.6
Patterson El.							22	1	4.5	650	0	0.0	26	1	3.9		0.0	25	1	4.0		0.0
Residence Pk. El.							35	2	5.7	1113	890	80.0	34	23	67.7		98.8	35	17	48.6		99.2
Residence Pk. Pr.								NA				NA	16	11	68.8		99.3	15	10	66.7		99.5
Ruskin							38	1	2.6	1171	1	0.0	39	1	2.6		7.0	38	2	5.3		4.3
Shiloh							17	0	0.0	490	12	2.4	19	0	0.0		0.1	27	1	3.7		6.3
Shoup Mill							10	0	0.0	318	3	0.9	15	1	6.7		7.1	14	2	14.3		13.4
Louise Troy	25	25	100.0				28	22	95.7	781	780	99.9	20	20	100.0		100.0	29	25	86.2		99.7
Valerie								NA				NA	19	1	5.3		7.5	23	5	21.7		17.4
Van Cleve							25	2	8.0	770	7	0.9	34	1	2.9		1.1	32	5	15.6		1.7
Washington							21	2	9.5	650	150	23.0	27	4	14.8		19.4	27	6	22.2		16.6
Weaver	38	19	50.0				40	31	77.5	1266	1249	98.8	48	43	89.6		99.9	49	38	77.6		100.0
Webster							18	1	5.6	991	1	0.1	28	0	0.0		0.0	29	3	10.3		0.6
Westwood	45	1	2.2				64	20	31.3	1000	1800	94.7	64	42	65.6		99.4	60	24	36.7		99.5
Willard	22							NA			NA	NA					NA					NA
Whittier	32	11	34.4				32	14	43.8	925	884	95.6	33	21	63.6		99.2	31	17	54.8		99.3
Wiseman	39	39	100.0				37	37	100.0	1100	1100	100.0	41	40	97.6		100.0	42	33	78.6		100.0
Orville Wright							25	1	4.0	750	0	0.0	30	1	3.3		0.0	32	4	12.5		0.8
High																						
Belmont							70	1	1.4	1768	0	0.0	87	5	5.8		0.1	81	8	9.9		0.5
Dunbar	42	42	100.0				45	42	93.3	1130	1044	92.7	70	62	88.6		99.3	65	53	81.5		99.4
Fairview							53	1	1.9	1252	12	0.9	77	5	6.5		5.2	67	6	9.0		9.9
Kiser							38	2	5.3	740	20	2.7	46	2	4.4		1.8	43	3	7.0		5.4
Meadowdale							44	2	4.5	1154	1	0.0	79	4	5.1		1.1	75	5	6.7		1.4
Patterson Co-op							49	1	2.0	1020	19	1.9	95	3	3.5		18.3	95	4	4.2		12.2
Roosevelt	105	10	9.5				92	22	23.9	1321	1251	94.6	104	60	65.4		100.0	109	61	59.2		99.8
Roth							46	11	23.9	1120	660	58.9	69	50	72.5		92.3	63	29	49.3		94.9
Stivers							55	4	7.2	1150	30	2.6	53	3	5.7		6.6	58	4	6.9		3.9
Colonel White							68	4	5.9	1658	20	1.1	85	5	5.9		19.3	81	11	13.6		48.9
Wilbur Wright							53	3	5.7	1334	45	3.3	72	5	7.0		9.5	64	5	7.8		1.4
Special																						
Education																						
Principal Training																						
Clark																						
Gorman							7	1	14.3	92	16	15.5	14	0	0.0		21.1	16	2	12.5		7.4
Kennedy							18	5	27.8	144	20	13.8	23	6	26.1			20	5	25.0		

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DEFENDANTS' EXHIBIT AI(c)

Selected Summary for Staff and Pupil Data

Identification of Schools By Faculty Assignment

School	Year	% Black Staff	% Black Enrollment
Jane Adams	1951-52	0	29.3
	1963-64	23.1	73.8
Cornell Heights	1968-69	8.8	44.2
	1969-70	20.5	59.1
Edison	1951-52	0	43.1
	1963-64	23.1	80.0
Irving	1950-51	0	27.3
	1951-52	0	46.6
Jackson Elementary	1950-51	0	26.2
	1951-52	0	35.9
Jefferson Primary	1968-69	39.1	57.1
	1969-70	39.3	72.0
	1972-73	32.3	93.5
Longfellow	1968-69	17.5	42.3
	1969-70	20.0	50.2
Residence Park Primary	1963-64	5.7	80.0
Weaver	1951-52	4.0	67.6
Westwood	1963-64	31.3	94.7
Whittier	1951-52	0	29.9
Roosevelt	1963-64	26.8	94.6

DEFENDANTS' EXHIBIT AJ

Number and Percentage of Racial Composition of Certified Personnel Dayton City School District

	1968-69			1969-70			1970-71			1971-72			1972-73		
	W	B	% Black	W	B	% Black	W	B	% Black	W	B	% Black	W	B	% Black
Administration															
Central Office & Service Bldg.	78	19	19.4	93	32	25.4	100	37	27.0	98.5	43	30.4	99	38.5	28.0
Principals and Asst's	84	27	24.3	82	35	29.9	76	35	31.5	67	39	36.8	72	45	38.5
Total	162	46	22.1	175	67	27.6	176	72	29.0	165.5	82	33.1	171	83.5	32.9
Instructional															
Elementary	1232	534	30.2	1253	567	31.2	1100	583	34.6	1072.1	560.1	34.3	1037.6	582.5	36.0
High	615	212	25.6	597	203	25.4	599	223	27.1	516.0	228.5	30.6	525.5	254.0	32.6
Total	1847	746	28.8	1850	770	29.4	1699	806	32.2	1588.1	788.6	33.2	1563.1	836.5	34.9
Extra Curricular															
Coaches	102	26	20.3	102	28	21.6	109	32	22.7	107	52	32.7	Not Available		
Support Services															
Counselors	63	25	28.4	69	40	36.7	68.5	31	31.2	63.5	36	36.0	59	42	41.5

Compiled by Staff Development Department

DEFENDANTS' EXHIBIT AK

ADMINISTRATIVE STAFF
BY POSITION, RACE, AND SCHOOL YEAR
FOR DAYTON CITY SCHOOLS

	1969-70		1970-71		1971-72	
	White	Black	White	Black	White	Black
Superintendent	1		1		1	
Clerk-Treasurer	1		1		1	
Administrative Assistant		1		1		
Assistant Superintendent	3	1	3	1	3	1
Executive Director	1	1	1	1	3	
Director	5		5		5	1
Associate Director	4	2	4	2	3	2
Supervisor and Assistant Supervisor (Certificated)	20	5	30	4	19	4
Supervisor and Assistant Supervisor (Non-certified)	13	3	11	4	13	3
Coordinator	7	1	4	1	9	3
Program Director and Coordinator (Spec. Asst.)	12	11 (Oriental) 1	11	14	2	16
Resource Teacher	6	5	11	7	17	9
Psychologist	15	1	15	1	14	1
Child Accountant	2		1		1	
Other	1				7.5	3 (Oriental) 1
Supervising Principals or Facilitators	2	1	2	1		
TOTAL Central Office and Service Building	93	32	100	37	98.5	43
Percentages	74.6%	25.4%	73.0%	27.0%	69.6%	30.4%
Principals	51	18	51	18	47	22
Assistant Principals	31	17	25	17	20	17
TOTAL Principals and Assistant Principals	82	35	76	35	67	39
Percentages	70.1%	29.9%	68.5%	31.5%	63.2%	36.8%
TOTAL STAFF	175	67	176	72	165.5	82
Percentages	72.4%	27.6%	71.0%	29.0%	66.9%	33.1%

DEFENDANTS' EXHIBIT AL

Summary of Racial Composition of Staff
by Composition of Student Body
Dayton City Schools

	1968-69	1969-70	1970-71	1971-72	1972-73
White principal with no assistant in schools 50% or more black student population	6	6	6	5	5
Negro principal with no assistant in schools 50% or more white student population	0	2	2	5	5
Integrated administrative staff in schools 50% or more black student population	7	13	11	12	13
Integrated administrative staff in schools 50% or more white student population	4	6	8	14	15
Administrative staff same race as predominant racial composition of student population	52	42	42	33	30

Compiled by: Division of Research
Management Services Department

DEFENDANTS' EXHIBIT AN

NUMBER OF TEACHERS BY RACE AND % OF NEGRO TEACHERS

	Elementary Schools	1968-69 White	1968-69 Negro	1968-69 % Negro	1969-70 White	1969-70 Negro	1969-70 % Negro
1	Jane Addams *	20	6	23.1%	20	7	25.9%
2	Allen	24	1	4.0	24	3	11.1
3	Belle Haven	43	2	4.4	44	6	12.0
4	Belmont Elem.	26	1	3.7	25	2	7.4
5	Brown	44	1	2.2	42	2	4.5
6	Carlson *	4	21	84.0	7	20	74.1
7	Cleveland	44	1	2.2	44	3	6.4
8	Cornell Heights 73 *	31	3	8.8	31	8	20.5
9	Drexel	24	2	7.7	23	8	25.8
10	Eastmont	36	1	2.7	29	4	12.1
11	Edison *	2	16	88.9	10	15	60.0
12	Emerson	39	4	9.3	36	6	14.3
13	Fairport	32	2	5.9	29	4	12.1
14	Fairview Elem.	32	2	5.9	29	3	9.4
15	Fort McKinley	17	1	5.6	18	3	14.3
16	Franklin	36	1	2.7	35	2	5.4
17	Cardendale (72-73 *)	8	3	27.3	12	2	14.3
18	Gettysburg	25	1	3.9	21	4	16.0
19	U. S. Grant	30	2	6.3	28	2	6.7
20	Grace A. Greene *	5	21	80.8	14	17	54.8
21	Hawthorne	12	0	0.0	12	1	7.7
22	Hickorydale	22	0	0.0	22	3	12.0
23	Highview *	15	21	58.3	17	17	50.0
24	Huffman	38	3	7.3	41	3	6.8
25	Irving *	9	26	74.3	9	26	74.3
26	Jackson Elem. *	6	33	84.6	9	32	78.0
27	Jackson Primary *	4	19	82.6	10	12	54.5
28	Jefferson Elem *	36	8	18.2	22	14	38.9
29	Jefferson Primary *	14	9	39.1	17	11	39.3
30	Kemp	28	0	0.0	25	2	7.4
31	Levton	22	0	0.0	22	2	8.3
32	Lincoln	42	1	2.3	38	4	9.5
33	Longfellow	33	7	17.5	36	9	20.0
34	Loos	28	1	3.5	26	4	13.3
35	MacFarlane *	1	48	98.0	7	41	85.4
36	Horace Mann	14	0	0.0	12	2	14.3
37	McGuffey	35	1	2.8	31	6	16.2
38	McNary *	3	19	86.4	8	15	65.2
39	Meadowdale Elem.	30	1	3.2	25	4	13.8
40	Miami Chapel *	4	29	87.9	9	28	75.7
41	Patterson Elem	25	1	3.9	24	1	4.0
42	Residence Park Elem. *	11	23	67.7	18	17	48.6
43	Residence Park Primary *	5	11	68.8	5	10	66.7
44	Ruskin	38	1	2.6	36	2	5.3
45	Shiloh	19	0	0.0	26	1	3.7
46	Shoup Mill	14	1	6.7	12	2	14.3
47	Louise Troy *	0	20	100.0	4	25	86.2
48	Valerie	18	1	5.3	18	5	21.7
49	Van Cleve	33	1	2.9	27	5	15.6
50	Washington	23	4	14.8	21	6	22.2
51	Weaver &	5	43	89.6	11	38	77.6
52	Webster	28	0	0.0	26	3	10.3
53	Westwood *	22	42	65.6	26	34	56.7
54	Whittier *	12	21	63.6	14	17	54.8
55	Wogaman *	1	40	97.6	9	33	78.6
56	Orville Wright	29	1	3.3	28	4	12.5
57	Gorman	14	0	0.0	14	2	12.5
58	Kennedy	17	6	26.1	15	5	25.0
	Total (Elem.)	1,232	534	30.2%	1,253	567	31.2%
	Full-time instructional staff (Elem.)				Full-time instructional staff (Elem.)		

Defendants' Exhibit AN

NUMBER OF TEACHERS BY RACE AND % OF NEGRO TEACHERS

	High Schools	1968-69 White	1968-69 Negro	1968-69 % Negro	1969-70 White	1969-70 Negro	1969-70 % Negro
1	Belmont	82	5	5.8	73	8	9.9
2	Dunbar *	8	62	88.6	12	53	81.5
3	Fairview	72	5	6.5	61	6	9.0
4	Kiser	44	2	4.4	40	3	7.0
5	Meadowdale	75	4	5.1	70	5	6.7
6	Patterson Co-op	82	3	3.5	89	6	6.3
7	Roosevelt *	36	68	65.4	44	64	59.3
8	Roth *	19	50	72.5	25	38	60.3
9	Stivers	50	3	5.7	54	4	6.9
10	Col. White	80	5	5.9	70	11	13.6
11	Wilbur Wright	67	5	7.0	59	5	7.8
	Total (High)	615	212	25.6%	597	203	25.4%
	Full-time instructional staff (H.S.)				Full-time instructional staff (H.S.)		
	Total (Elem. & High)	1847	746	28.8%	1850	770	29.4%
	Full-time instructional staff (Elem. & H.S.)				Full-time instructional staff (Elem. & H.S.)		

* Denotes schools with 75% or more black student enrollment.

Defendants' Exhibit AN

RACIAL COMPOSITION OF SCHOOLS
FOR 1970-71, 1971-72 AND 1972-73

Item.	Schools	1970-71 White	1970-71 Negro	1970-71 % Negro	1971-72 White	1971-72 Negro	1971-72 % Negro	1972-73 White	1972-73 Negro	1972-73 % Negro
1.	*	14	10	41.7	15.8	10.7	40.3	13.9	10	41.8
2.		21	3	12.5	17.1	7	29.0	15.3	9	37.0
3.		35	3	7.9	23.9	12.8	34.8	22.2	13	36.9
4.		18.5	3	14.0	14.3	7	32.8	11.8	8.4	41.6
5.		40	3	7.0	27.8	12	30.1	30.1	11.5	27.6
6.		4	21	84.0	14.8	9.3	38.5	15.7	11	41.1
7.		43	4	8.5	32.5	14	30.1	33.9	12	26.1
8.		24	12	33.3	26	12	31.5	25.5	15	37.0
9.		17	7	29.2	19.7	8	28.8	17.6	6	25.4
10.		28	3	9.7	17.9	7.5	29.5	12.6	7.3	29.3
11.		6	14	70.0	14.5	9	38.2	12.7	12.2	49.0
12.		32	10	23.8	21.2	15	41.4	21	12.5	39.1
13.		28	5	15.2	19.4	12.1	38.4	16.5	9.6	36.8
14.		27	5	15.6	22.1	8.3	27.3	21	9	20.0
15.		14	3	17.6	12.6	5.5	30.3	13.3	5	27.3
16.		30.5	3	9.0	17.5	7	28.5	18.1	9.2	33.7
17.		9	8	47.1	14.6	7.1	32.7	14.4	10.5	42.2
18.		20	4	16.7	15.1	9.4	38.3	14.2	12	45.8
19.		25.5	3	10.5	18.2	7	27.7	19.6	9.2	31.9
20.	*	10	20	66.7	15.4	8.8	36.3	13.3	10.6	44.4
21.		9	2	18.2	8.8	3.4	27.8	7.4	2.6	26.0
22.		14	4	28.6	14.1	6	29.5	13.7	4.6	25.1
23.	*	15	18.5	55.2	19.7	10.8	35.4	15.8	11.6	42.3
24.		39	4	9.3	25.8	12.4	32.4	26.7	14.1	34.5
25.	*	6	23	79.3	16.4	12	42.2	16.2	11.2	40.9
26.	*	10	29	74.4	26	15.4	37.2	20	17.3	46.4
27.	*	8	11	57.9	11	5.6	33.7	11.8	5.4	31.4
28.	*	24	15	38.5	42	22	34.3	23.6	14	37.2
29.	*	14	8	36.4				16.8	8	32.3
30.		22	2	8.3	13.8	9	39.4	16.1	6.5	28.8
31.		21	0	0.0	13.1	7	34.8	11.7	5	29.9
32.		33	6	15.4	23.4	12	33.8	24.3	9.7	28.5
33.		31	10	24.4	31.4	16	33.7	28.4	18	38.8
34.		28	2	6.7	17.2	7	28.9	20.8	7	25.2
35.	*	7	41	85.4	28.	17	37.4	26.3	20	43.2
36.		11	2	15.4	8.8	4.4	33.3	7.7	4.1	34.7
37.		22	8	23.5	22.9	10.5	31.4	20.9	8.5	28.9
38.	*	7	13	65.0	11.8	7	37.2	9.3	7.4	44.3
39.		24	4	14.3	15.4	7	31.2	20.7	5.4	20.7
40.	*	8	27	77.1	see Louise Troy			11	8	42.1
41.		24	0	0.0	17.8	7.8	30.4	32.8	15.6	32.2
42.	*	14	19	57.6	14.1	11.5	45.3	18.2	11.2	38.1
43.	*	7	9	56.3	10.2	5	32.9	12.9	5	27.9
44.		31	5.5	15.1	23	11.2	32.7	22.8	11.2	32.9
45.		22	3	12.0	14.4	8.5	37.1	13.4	12	47.2
46.		10	2	10.7	7.8	3	27.7	5.9	2.2	27.2
47.	*	7	20	74.1	24.7	15	37.7	14.5	8	35.6
48.		15	3	16.7	13.1	4.2	24.2	12.1	4.6	27.5
49.		26	6	18.8	19.3	11	36.3	19	11	36.7
50.		19	9	32.1	15.6	9.6	38.0	17.3	9	34.2
51.	*	10	37	78.7	24.8	15.3	38.1	20.2	14.3	44.4
52.		19	3	13.6	14.4	6.3	30.4	14.9	7.8	34.4
53.	*	22	33	60.0	35.5	22.4	38.6	33.4	23.2	41.0
54.	*	9	20	69.0	26	16	38.0	21.3	14	39.7
55.	*	8	30	78.9	24.5	16.1	39.6	21.8	21.6	49.8
56.		28	1	3.4	29	15	34.0	27.7	17	38.0
57.		11.5	2	14.8	11.8	2	14.4	12.5	2.4	16.1
58.		14	7	33.3	15.7	6.2	28.3	see Patterson elem.		
Total (Elem.)		1100	583	34.6	1072.1	560.1	34.3	1017.6	582.5	36.0

Defendants' Exhibit AN

RACIAL COMPOSITION OF SCHOOLS
FOR 1970-71, 1971-72 AND 1972-73

High Schools	1970-71 White	1970-71 Negro	1970-71 % Negro	1971-72 White	1971-72 Negro	1971-72 % Negro	1971-73 White	1971-73 Negro	1971-73 % Negro
1.	74	10	11.9	63	21	25.0	66.5	20	23.1
2. *	12	59	82.1	33.6	29	46.3	36.5	37	50.3
3.	57	8	12.3	41.6	16	27.7	44.6	19	29.9
4.	39	2	4.9	30	8	21.0	31.8	8	20.1
5.	71	5	6.6	55.6	23	29.2	61.6	19	23.6
6.	92	6	6.1	72.5	23	24.0	72.5	27	27.1
7. *	44	65	59.6	48	32	40.0	41	37	47.4
8. *	21	43	67.2	36	21.5	37.3	35	27	43.5
9.	52	6	10.3	41.2	15	26.6	40.5	18	30.8
10.	79	13	14.1	52	26	33.3	53	25	32.1
11.	58	6	9.4	42.5	14	24.7	42.5	17	28.6
Total (High)	599	223	27.1	516.0	228.5	30.7	525.5	254	32.6
Total (Elem. & High)	1699	816	32.2	1588.1	788.6	33.2	1363.1	836.5	34.9
							2399.60		

* Denotes schools with 75% or more black student enrollment.

DEFENDANTS' EXHIBIT AO

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COUNSELOR ASSIGNMENTS BY RACIAL IDENTITY
September, 1968 - 1973 School Year*

October 12, 1972

	1968-69		1969-70		1970-71		1971-72		1972-73	
*Total Counselors	88		109		99.5		99.5		101	
	No.	%	No.	%	No.	%	No.	%	No.	%
Black	25	28.4	40	36.7	31	31.2	36	36	42	41.5
White	63	71.6	69	63.3	68.5	68.8	63.5	64	59	58.4
Black counselors assigned to predominately black schools	25	100	30.5	76.25	24	77.4	12	33.3	20	47.6
Black counselors assigned to predominately white schools	0	0	9.5	23.75	7	22.6	24	66.6	22	52.3
White counselors assigned to predominately white schools	58	92.1	60	87	37.5	83.9	42.5	66.6	36	61.9
White counselors assigned to predominately black schools	5	7.9	9	13	11	16.1	21	33.3	23	38.9

*These figures apply to counselors assigned to Elementary, Middle and High Schools.

DEFENDANTS' EXHIBIT AP

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DAYTON CITY SCHOOL INTEGRATION STATISTICS

HIGH SCHOOL COACHING STAFFS

NUMBER OF SCHOOLS SEGREGATED 100%		1963-64 9	1964-65 8	1965-66 9	1966-67 9	1967-68 7	1968-69 5	1969-70 5	1970-71 3	1971-72 0
1. Belmont	White	12	11	11	10	10	11	11	11	10
	Black	0	0	0	0	0	0	0	0	2
2. Dunbar	White	0	0	0	0	1	1	1	3	7
	Black	8	10	10	10	10	9	8	9	9
3. Fairview	White	8	8	8	10	9	10	10	12	10
	Black	0	0	0	0	0	0	0	1	5
4. Kiser	White	8	8	8	9	10	10	11	11	10
	Black	0	0	0	0	0	0	0	0	2
5. Meadowdale	White	10	9	11	10	13	11	12	12	13
	Black	0	0	0	0	1	1	1	1	3
6. Patterson	White	5	5	6	7	9	15	14	16	11
	Black	0	0	0	0	0	0	1	1	3
7. Roosevelt	White	10	9	9	10	12	10	7	5	8
	Black	3	3	3	2	3	4	8	9	8
8. Roth	White	9	10	10	10	8	2	7	7	9
	Black	3	4	4	1	5	9	4	8	7
9. Stivers	White	9	10	11	10	10	11	11	12	10
	Black	0	1	0	0	0	1	0	0	4
10. Colonel White	White	9	11	10	11	11	11	11	9	9
	Black	0	0	0	0	0	1	2	2	6
11. Wilbur Wright	White	8	11	10	10	11	10	10	11	10
	Black	0	0	0	0	0	1	1	1	3
GRAND TOTALS	White	88	92	94	97	104	102	102	109	107
	Black	14	18	17	13	19	26	28	32	52
		102	110	111	110	123	128	130	141	159

DEFENDANTS' EXHIBIT AQ

Schoolday | Dayton Public Schools

Number 31 Office of the Superintendent April 21, 1969

State Survey

Dayton Schools' Record Highest In Employment of Negro Educators

Dayton is a city of employment opportunity for Negro educators.

Dayton schools have the top record in employment of Negro teachers among the state's largest cities.

A district-by-district survey ordered by the State Board of Education discloses that Dayton ranks number one in:

- Proportion of Negro teachers to Negro pupils.
- Proportion of Negro administators to Negro pupils.

The report shows that Dayton, with 38.3 per cent Negro student enrollment, has a 28.6 per cent Negro teaching staff–precentagewise a ratio of three to four.

Only Cleveland employs a higher percentage of Negro teachers, but the ratio of Cleveland's percentage of Negro teachers to percentage of Negro students is only two to three–25 per cent compared to 55 per cent respectively.

Dayton also ranks second in the state in the proportion of total teaching staff that is Negro.

The city ranks second again in total per cent of Negro administrators, its 21.6 per cent exceeded only by Cleveland. The latter's percentage of administators to pupils is a ratio of only two to five, however, compared to Dayton's nearly three to five.

Dayton employs three times the percentage of Negro teachers as the average of the 20 largest districts and four times the percentage of administrators, the report shows.

The totals for the 20 cities reveal 9.5 per cent of their teachers and 5.5 per cent of the administrative staffs are Negro, compared to the Dayton figures of 28.6 per cent and 21.6 per cent.

Employment in Large Ohio Cities

City	% Negro enrollment	% Negro teachers	% Negro Administrators
Akron	25.8%	7.6%	13.2%
Canton	19.6%	6.0%	1.3%
Cincinnati	42.9%	22.9%	14.3%
Cleveland	55.9%	37.9%	23.5%
Columbus	26.0%	12.6%	11.3%
DAYTON	38.3%	28.6%	21.6%
Toledo	26.7%	17.0%	12.7%
Youngstown	40.9%	7.5%	12.0%
20-city total	18.9%	9.5%	5.5%

DEFENDANTS' EXHIBIT AR

	SCHOOL & ADDRESS		% OF MINORITY STUDENTS BY YEAR						
			1963	1967	1968	1969	1970	1971	1972
			64	68	69	70	71	72	73
Elementary Schools (32)									
1.	Jane Addams	35 Victory Drive	41.6	67.7	73.8	70.7	80.3	81.7	78.7
2.	Allen	132 Aleska Street	0.8	0.2	0.1	0.1	0.2	0.6	0.6
3.	Belle Haven	4401 Free Pike	0.0	0.3	3.0	5.7	6.8	10.3	17.7
4.	Belmont Elem.	2745 S. Smithville Road	0.0	0.0	0.0	0.0	0.0	0.0	0.4
5.	E. J. Brown	48 W. Fairwood Drive	0.3	0.3	0.6	0.8	1.0	1.0	2.2
6.	F. C. Carlson	807 S. Gettysburg	99.8	99.1	99.0	99.7	99.8	99.3	99.0
7.	Cleveland	1101 Patterson Avenue	0.0	0.0	0.0	0.1	0.3	0.3	0.8
8.	Dravo1	149 Miller Avenue	3.3	6.1	3.7	4.3	5.2	6.3	8.2
9.	Eastmont	1480 Glendale Road	0.0	0.0	0.0	0.0	0.0	0.0	0.7
10.	Edison	228 N. Broadway	80.0	95.9	97.1	98.1	98.8	99.7	99.7
11.	Emerson	501 Hickory Street	0.0	0.0	6.3	13.6	11.8	5.6	8.9
12.	Fairport	1952 Fairport Avenue	0.0	0.0	0.1	4.6	9.7	39.7	59.1
13.	Fairview Elem.	1309 Fairview Avenue	1.0	1.1	1.7	3.7	6.3	7.4	14.4
14.	Ft. McKinley	3725 Evansville Avenue	0.0	0.0	0.0	2.5	9.6	1.6	2.6
15.	Franklin	2617 E. Fifth Street	0.0	0.0	0.0	0.0	0.0	0.0	0.3
16.	Gardendale	1733 N. Gettysburg	7.9	23.6	28.5	43.1	71.9	72.3	78.9
17.	Gettysburg	2201 S. Gettysburg	0.0	0.3	3.2	4.6	9.4	14.5	22.7
18.	Gorman	156 Grant Street	15.6	22.1	21.1	17.9	19.3	11.9	11.8
19.	U. S. Grant	4329 Arcadia Blvd.	0.0	0.1	0.1	0.9	0.6	0.8	0.3
20.	Grace A. Greene	503 Edison Street	89.5	97.6	96.8	97.5	96.7	98.3	98.2
21.	Hawthorne	226 McDaniel Street	0.0	0.0	0.0	0.0	0.0	30.1	28.0
22.	Hickorydale	2101 Hickorydale	0.0	0.0	4.6	19.3	8.2	15.5	32.5
23.	Highview	2101 MacArthur Avenue	82.0	96.4	97.9	98.2	98.1	97.9	98.7
24.	Huffman	190 Huffman Avenue	0.9	0.0	0.0	3.4	3.2	0.1	0.1
25.	Irving	355 Cincinnati Street	96.6	98.5	99.0	100.0	99.7	99.5	99.2
26.	Jackson Elem.	317 Abbey Avenue	98.5	98.6	99.1	99.5	99.5	99.6	99.9
27.	Jackson Prim.	1201 McCall Street	98.2	19.7	98.8	99.2	99.4	99.1	99.7
28.	Jefferson Elem.	1231 W. Euclid Avenue	1.2	30.5	80.1	95.3	73.2	91.3	94.9
29.	Jefferson Prim.	1233 W. Euclid Avenue	1.2	48.8	97.1	72.0	93.3	88.0	93.5
30.	Keep	918 Shadbourne Avenue	0.0	0.0	0.0	0.0	0.0	7.2	7.0
31.	Lawton	4032 Linden Avenue	0.0	0.0	0.0	0.0	0.2	0.4	3.8
32.	Lincoln	401 Nassau Street	0.0	0.0	0.0	0.2	0.3	1.0	0.6
33.	Chas. L. Loos	43 Kempler Avenue	1.9	1.2	4.6	5.0	9.5	6.0	5.8
34.	Horace Mann	715 Krebs Street	0.0	0.5	0.2	7.0	11.1	0.7	3.1
35.	McGuffey	1021 Webster Street	0.0	10.9	14.4	18.7	24.2	32.0	41.6
36.	McKinley Park	2400 Hoover Avenue	*	99.4	99.4	98.8	100.0	100.0	100.0
37.	Meadowdale Elem.	6448 Thompson Drive	0.0	0.0	0.0	12.8	7.7	9.2	12.6
38.	Miami Chapel	1610 Miami Chapel	98.6	99.8	99.7	99.8	99.7	100.0	99.8
39.	Patterson/Kennedy	258 Wyoming Street	0.0	0.1	0.0	0.0	0.0	0.3	4.0
40.	Residence Pk. Elem.	833 Elsmere Road	89.0	97.6	98.8	99.2	99.7	99.7	99.8
41.	Residence Pk. Prim.	6611 Oakridge Drive	80.0	97.5	99.3	99.5	98.9	99.8	100.0
42.	Ruskin	275 McClure Street	0.0	0.0	7.0	4.3	3.7	0.1	0.3
43.	Shiloh	5870 Philadelphia Dr.	2.4	0.1	0.1	6.0	7.4	0.9	8.4
44.	Shoup Mill	430 Shoup Mill Road	0.9	0.3	7.1	13.4	13.9	1.4	1.8
45.	Louise Troy	1665 Richley Avenue	99.8	100.0	100.0	99.7	99.9	99.7	99.1
46.	Valerie	4020 Bradwood Drive	*	0.0	7.5	17.4	20.9	13.5	26.0
47.	Van Cleve	45 W. Helena Street	0.9	1.9	1.1	1.7	2.1	14.9	20.2
48.	Washington	2900 E. First Street	23.3	20.1	19.4	18.6	16.4	14.5	15.3
49.	Weaver	2000 Howell Avenue	98.8	99.9	99.9	100.0	99.9	99.7	99.5
50.	Webster	1115 Keifer Street	0.1	0.0	0.0	0.6	0.4	0.6	1.0
51.	Westwood	3410 Hoover Avenue	96.7	96.9	99.6	99.5	99.6	99.5	99.7
52.	Wogaman	2716 Germantown St.	100.0	99.7	100.0	100.0	99.5	99.8	100.0
Middle Schools (5)									
53.	Carnell Heights	2824 Campus Drive	0.0	34.4	44.2	59.1	69.6	72.3	80.5
54.	Longfellow	245 Salem Avenue	5.8	68.7	42.3	50.2	53.9	60.7	64.1
55.	F. C. MacFarlane	215 S. Summit Street	99.6	99.7	99.9	99.9	99.8	99.5	99.6
56.	Whittier	721 Miami Chapel	95.6	99.4	99.2	99.3	99.0	99.5	99.3
57.	Orville Wright	208 S. Wright Ave.	0.0	0.0	0.0	0.8	0.4	0.7	0.1
High Schools (11)									
58.	Belmont	2323 Mayleview Ave.	0.0	0.1	0.1	0.5	1.2	2.7	5.2
59.	Dunbar	2222 Richley Ave.	92.7	97.9	99.9	99.4	99.8	100.0	100.0
60.	Fairview	2434 Philadelphia Dr.	0.9	3.1	5.2	9.3	12.7	19.1	26.1
61.	Kiser	1401 Lee Street	2.7	0.9	1.8	5.4	6.8	6.4	9.8
62.	Meadowdale	4417 Williamson Dr.	0.0	0.9	1.1	1.4	2.9	5.2	19.6
63.	Patterson Co-op	110 E. First Street	1.8	12.8	14.3	22.2	29.8	31.0	32.9
64.	Roosevelt	2013 W. Third Street	96.5	99.4	100.0	99.8	100.0	99.9	100.0
65.	Roth	4535 Hoover Ave.	93.5	85.7	92.3	96.4	97.8	96.5	95.8
66.	Stivers	1313 E. Fifth Street	2.6	1.6	0.6	3.9	10.8	12.3	14.0
67.	Colonel White	501 Niagara Ave.	1.1	8.4	19.3	28.9	42.1	45.9	56.6
68.	Wilbur Wright	1361 Huffman Ave.	3.3	3.3	3.5	4.2	6.7	5.5	9.2

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DEFENDANTS' EXHIBIT AS

Synopsis of Percent of Minority Students
By School
Elementary

Year	All White	All Black
1963-64	22	1
1967-68	18	1
1968-69	13	2
1969-70	7	3
1970-71	5	1
1971-72	3	2
1972-73	0	3

High Schools

Year	All White	All Black
1963-64	2	0
1967-68	0	0
1968-69	0	1
1969-70	0	0
1970-71	0	1
1971-72	0	1
1972-73	0	2

DEFENDANTS' EXHIBIT AT

Number of Schools
By Student Racial Composition
Dayton City Schools

% Negro Composition	1963-64	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73
90-100%	13	19	20	20	20	21	22
80-89%	4	1		1	2	2	1
70-79%		1	1	2	2	2	2
60-69%			1		1	1	1
50-59%	1	1	1	2	1		2
40-49%	1	2	2	1	1	1	1
30-39%	31.1					4	2
20-29%	1	4	2	2			
10-19%	2	3	4	9	8	10	7
0-9%	43	39	38	32	31	28	25
City Average	31.1	37.4	37.7	39.3	40.6	42.7	44.6

Compiled by:Division of Research
Management Services Department

DEFENDANTS' EXHIBIT AZ

EFFORTS TOWARD INTEGRATION IN DAYTON PUBLIC SCHOOLS

Trends and efforts toward integration of both pupils and staff of Dayton schools are obvious in the establishment of a freedom of enrollment policy, the organization and activities of human relations councils, the holding of desegregation in-service education program as well as workshops and retreats to study current social problems, the design of student exchange programs and the use of gifts to our schools for human relations projects.

Other efforts are evidenced by the many projects of the Office of Equal Educational Opportunity in the Dayton school district; the publications, teaching demonstrations, and other curriculum developments of the Negro History division of the instruction department; and reports of desegregation surveys and research studies made in Dayton public schools.

Efforts Toward Integration Through Student Activities

Lack of communication among students, teachers and administrators has been cited as a major factor in school concerns. Many authorities concur that an exchange of views among these persons would alleviate many of the problems currently facing the secondary schools. Students not only must be given a chance to speak, they must also be given the opportunity to be heard. It has become evident to the Office of Student Relations that students, teachers and administrators should be involved in a continuing dialogue over problems important to the school. If this dialogue takes place, the majority of stress and disruptions need not happen. A frank exchange of ideas with students is often a means of warding off barriers to communication which give rise to forceful dissent. That students clamor for more opportunities to be heard indicates

that the concept of youth becoming deeply involved in student programs is a highly significant direction in which schools should be moving.

The following student activities now initiated in Dayton public schools give our students an opportunity to experience meaningful integrated experiences.

Freedom of Enrollment

The Dayton School Board approved a Freedom of Enrollment Policy, effective September, 1969, to assist in providing quality integrated education for all public school students. The policy provides that within certain limitations any student in the school system is eligible to attend any of its schools. The limitations include requirement that space be available in the requested school, that special courses be attainable only in the requested school and that the student's presence in the school will improve racial balance in that building.

Any two students or numerically equal groups may exchange places if the exchange improves the racial balance. The Freedom of Enrollment Policy extends to Elementary Schools as well as High Schools. There have been 405 students transferred under the Freedom of Enrollment Policy. Tables 4 and 5 present statistics pertaining to this program.

TABLE 4. FREEDOM OF ENROLLMENT REPORT, FIRST SEMESTER, SEPTEMBER 22, 1970

	Non-Minority	Minority	Total
Total Number (Elementary & High School)			
Applications Received	53	282	335
Approvals	28	140	168
Disapprovals	25	142	167
Elementary School			
Approvals	6	*43	49
Disapprovals	2	**16	18
Reasons for Disapprovals			
Racial balance not improved	1	5	6
Lack of classroom space	1	9	10
Lack of transportation	0	2	2
Not in good standing	0	0	0
High School			
Approvals	22	97	119
Disapprovals	23	126	149
Reasons for Disapprovals			
Racial balance not improved	5	52	57
Lack of classroom space	9	59	68
Lack of transportation	0	9	9
Not in good standing	0	4	4
Course attainable at home school	9	2	11

*1 Hindu
**2 Spanish-surnamed Americans

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TABLE 5. ELEMENTARY AND HIGH SCHOOL FREEDOM OF ENROLLMENT APPROVALS BY SCHOOL AND GRADE

Elementary Schools	Grades	Total	Schools	Grades	Total	High Schools	Grades	Total
Brown	7,8	2	Lewton	8	1	Belmont	9-17,10-3, 12-1	21
Cleveland	1,6	2	Meadowdale	6,8	2	Dunbar	10	1
Edison	1	1	Ruskin	5,8	2	Fairview	9-24,10-6, 11-1,12-1	32
Fairport	K,5	2	Valerie	K-2,1-1, 2-1,3-1, 5-1,6-2, 7-2,8-1	11	Kiser	9-2,10-1, 11-4	7
Fairview	K-1,1-1, 6-3,7-2, 8-4	11	Van Cleve	3-1,4-1, 6-1,8-2	5	Meadowdale	9-19,10-7, 11-2,12-2	30
Gettysburg	6-2,7-1	3	Westwood	3-1,8-1	2	Roth	12	1
U.S. Grant	4,6	2				Stivers	9-8,10-1, 11-3	12
Jefferson Pr.	1	1				Col. White	11-2,12-1	3
Jefferson El.	3,6	2				W. Wright	9-8,10-1, 11-3	12

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Student Human Relations Councils

Most programs involving human relations and interactions were organized in the local school buildings. The local school personnel best knows its own students, teachers and parents. The students in these schools may have concerns totally unlike those in any other school in our system, so a local building Human Relations Planning Council initiates programs involving staff with students and students with students. In the more successful programs the Human Relations Councils include the principal as well as other staff members chosen wholly or in part by the students. The local Human Relations Council Faculty Advisor meets with the students regularly during the school hours or evenings.

All City Human Relations Council. Subsequent to organizing some local human relations councils, students recognized that certain concerns of human relations and meaningful interactions appeared to be district wide in nature. That is, all senior high schools may deal with students having certain similar types of concerns. Therefore, the All City Human Relations Council was established with the following purposes:

a. To develop a better understanding and mutual regard of all people.

b. To coordinate the activities of the Human Relations Councils of all the member schools.

c. To develop insights among students which may support the attitudes in behavior patterns that tend to improve human relations in all schools.

Humanities in progress. An organization called Humanities in Progress was initiated to provide a program for a small number of students on a demonstration basis. These students would be able to take back to their individual classes the insights gained both from an unusual seminar content and from the interaction of participants from diverse cultural and

ethnic backgrounds. The Humanities in Progress program was discontinued because of lack of funds.

Retreats

Community workshop. A retreat or workshop was held at the Third Baptist Church. This workshop included representation from the following areas: NAACP, Suicide Prevention Center, Southern Christian Leadership Council, The United Theological Seminary, Living Arts, and the Negro History Department from the Board of Education.

All City Human Relations Council retreat. A weekend retreat at Bergamo Youth Center was planned by the students from the All City Human Relations Council. It was an attempt to help each student develop: (a) respect for the rights and opinions of others; (b) a realization that prejudices often stem from lack of understanding; (c) recognition that there are similarities and differences, but differences do not necessarily denote superiority or inferiority.

Cultural contributions retreat. A retreat was held at the Art Institute which dealt with the cultural contributions by persons of different ethnic and religious backgrounds. A second theme of this workshop concerned changing communities and their effects upon school, real estate brokers and social conditions. Resource aid for this workshop was drawn primarily from the Dayton View Stabilization Program.

Community power structure retreat. Mrs. Velma Strode, Community Relations Office, Washington, D.C., was a resource person to students in a workshop that outlined the power structure of our community and what it means. The purpose of this retreat was to explore constructive methods of involving the community and students in bringing about change within the community and school.

Communications skills workshop. A retreat was held at the University of Dayton's east campus to deal with communications skills. The purpose of this communications skills workshop was to assist students in basic communications skills which may have some application in their own school organizations. Members of the Student Senate Advisory Forum, which was formulated as a clearinghouse for student activities on a city-wide basis, were in attendance.

Glen Helen retreat. A weekend retreat was held at Glen Helen, Yellow Springs, Ohio. The purpose of this retreat was to help students develop some degree of (a) sensitivity to and understanding of each person – his importance to the group and his special talents; (b) ability to put general welfare above individual interests; (c) recognition that rules and standards are necessary for group living; (d) ability to work together to achieve common goals.

Exchange Programs

Student exchanges within and outside the school district have been rather extensive. High school and elementary school student exchanges have shown a constructive potential for future orientation programs. One of the primary purposes of student exchange is to allow students to share in school experiences that may differ from experiences in their own school.

Exchanges to establish new friendships. Students of one west side school visited a school outside our district. They spent the day at the school. Each student was invited to have supper in the home of a host student. All students met at the school that evening and attended a basketball game.

City-wide exchange program. Currently students are planning a city-wide exchange that will include the parochial schools. Twenty-six students will visit each high school. The purpose of this student exchange, which is being organized by the student group STRATE (Students Taking Responsible Action Toward Education), is to promote better understanding among students, teachers and administrators. It will allow

Plaintiffs' Exhibit AZ

students to observe the environment and participate in some of the activities of another school. While doing so they will have opportunity to discuss mutual problems and ideas with students in the other environments. They will discuss for instance, school dress codes, student councils, time schedules and projects being planned by the school.

Special Gifts

A special gift was donated by the McConnaughey Family of Cincinnati to be used for promoting human relations activities in the Dayton School District. Funds have been used in many ways.

NEA conference. Two students used funds to attend the NEA's Human Relations Conference in Washington, D.C. One of the students from the Dayton Public Schools presented a position paper, "Student Involvement in Human Relations," which was endorsed by the conferees.

Consultant services. Consultant aid was provided from the Special Gift Fund for human relations facilitators in planning experimental projects for orienting elementary feeder school students before entering high school.

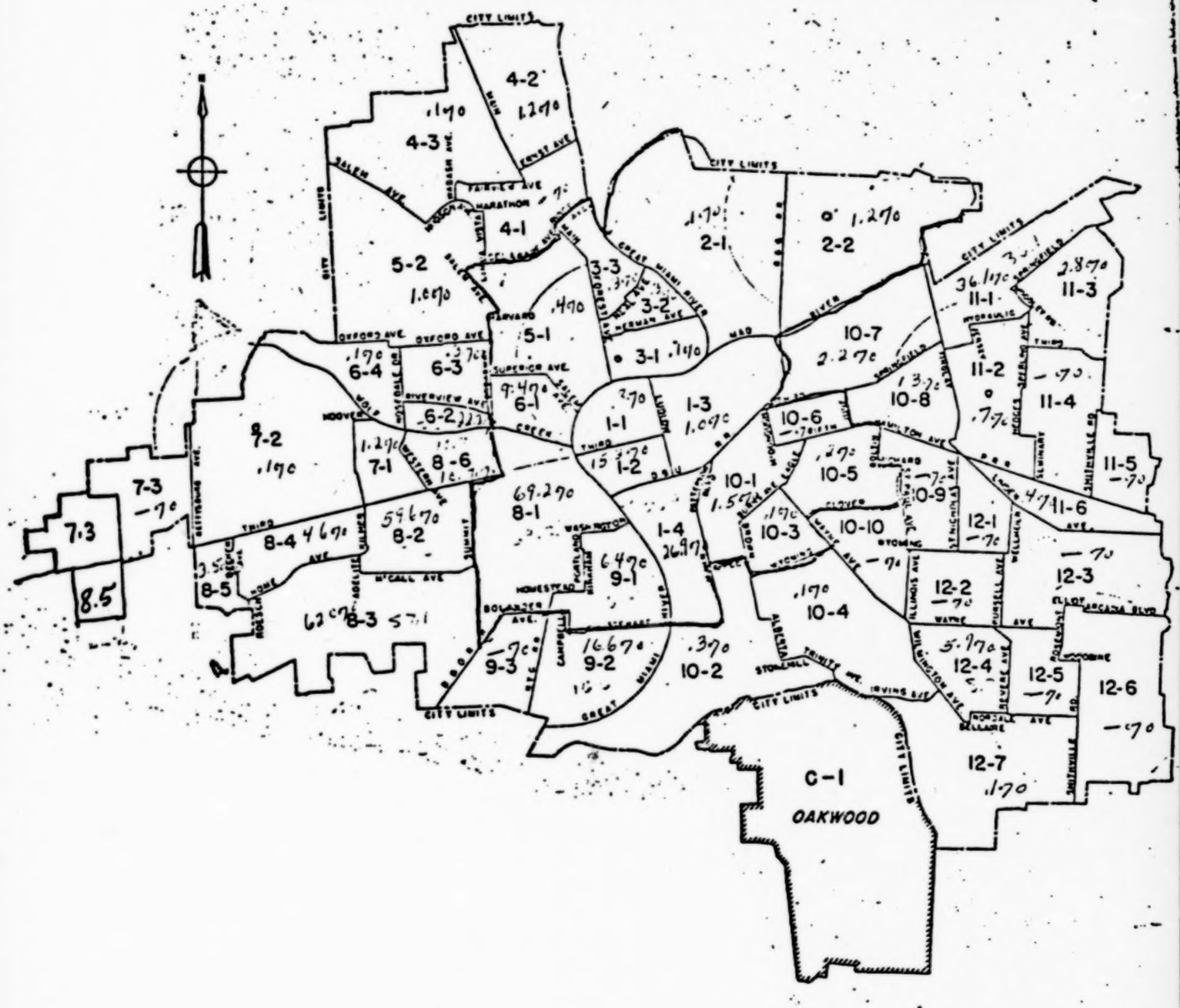
Workshops and conferences. The funds provided a communications workshop for students so that skills might be learned to enhance human relations, and they also paid expenses for a student to attend the Ohio School Board Association Conference in Columbus, Ohio. The funds also provided transportation and other services that would encourage and support human relations activities in various schools.

Unused funds. Any remaining funds will be used to assist in a nominal way any human relations activity within the local district. It has proved beneficial to keep seed money to which will be added possible future gifts.

1940

DEFENDANT'S EXHIBIT NO. BY

DAYTON AND ADJACENT AREA, BY CENSUS TRACTS

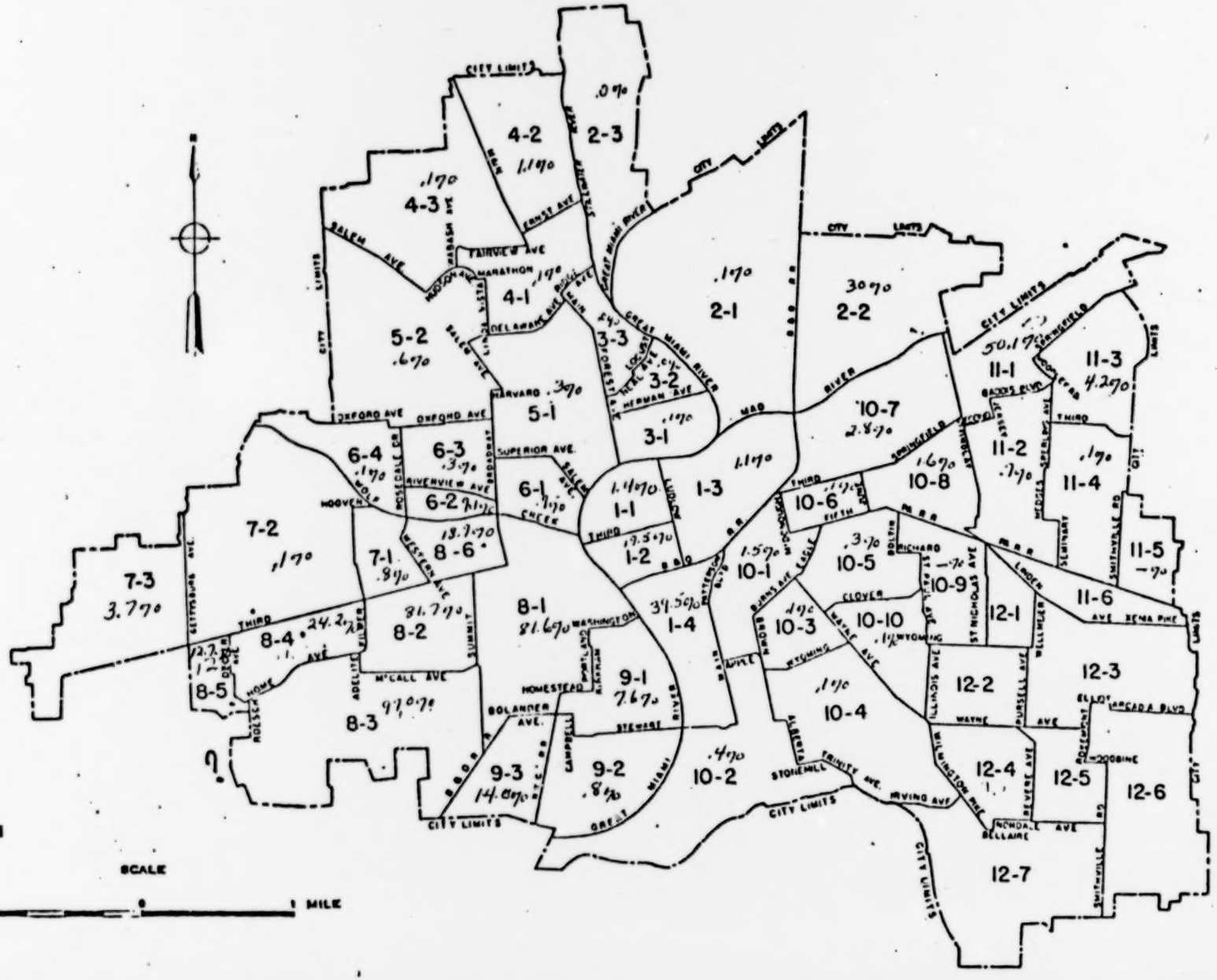


577

DEFENDANTS' EXHIBIT BY

DAYTON, OHIO, AND ADJACENT AREAS BY CENSUS TRACTS

Part 1.—Tracts in Dayton city 14.0%



Defendants' Exhibit BY

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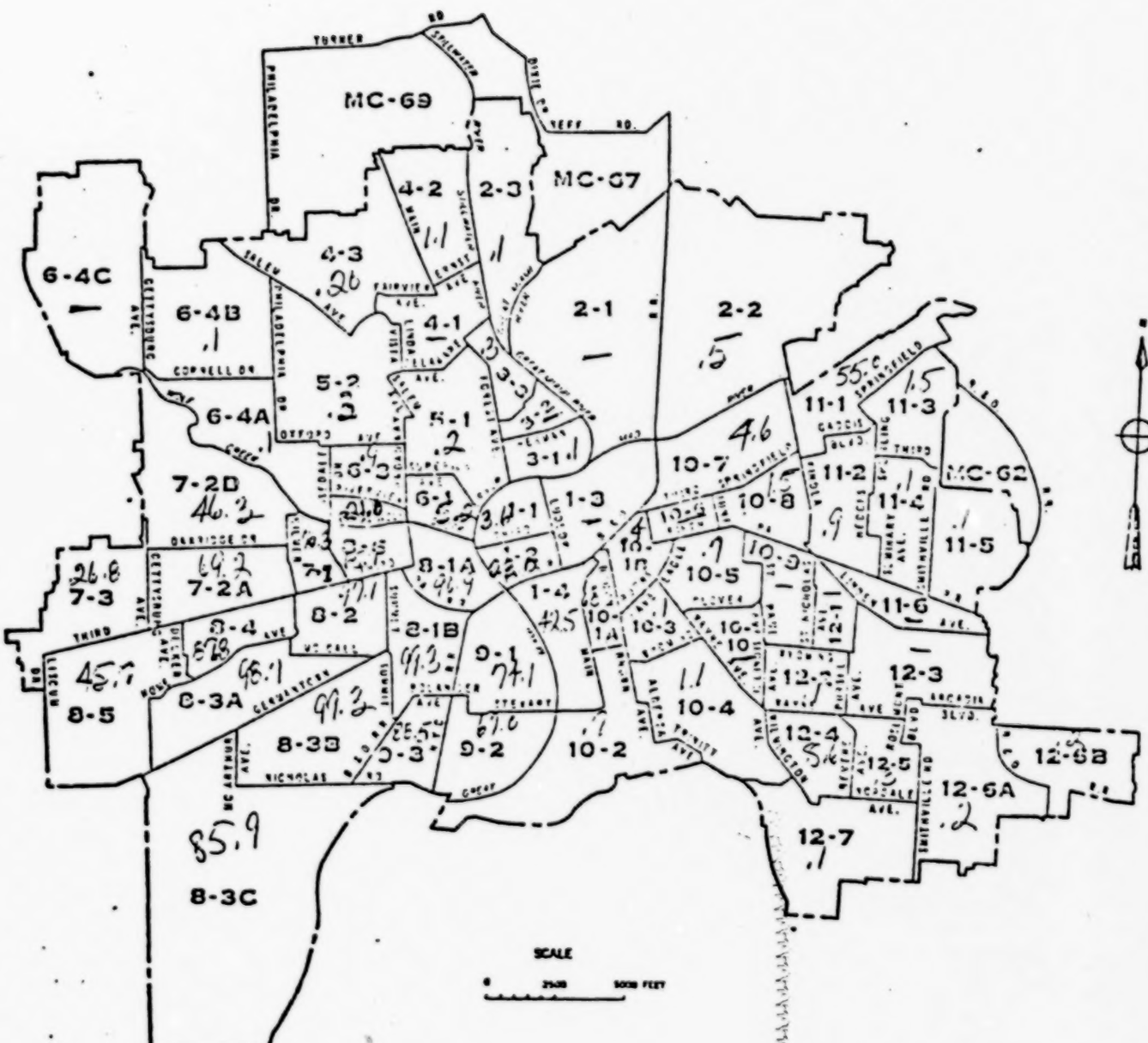
CENSUS TRACTS IN DAYTON, OHIO AND ADJACENT AREA

1960 Census Tracts

DEFENDANT'S EXHIBIT NO. BY



INSET A - DAYTON CITY AND ADJACENT AREA

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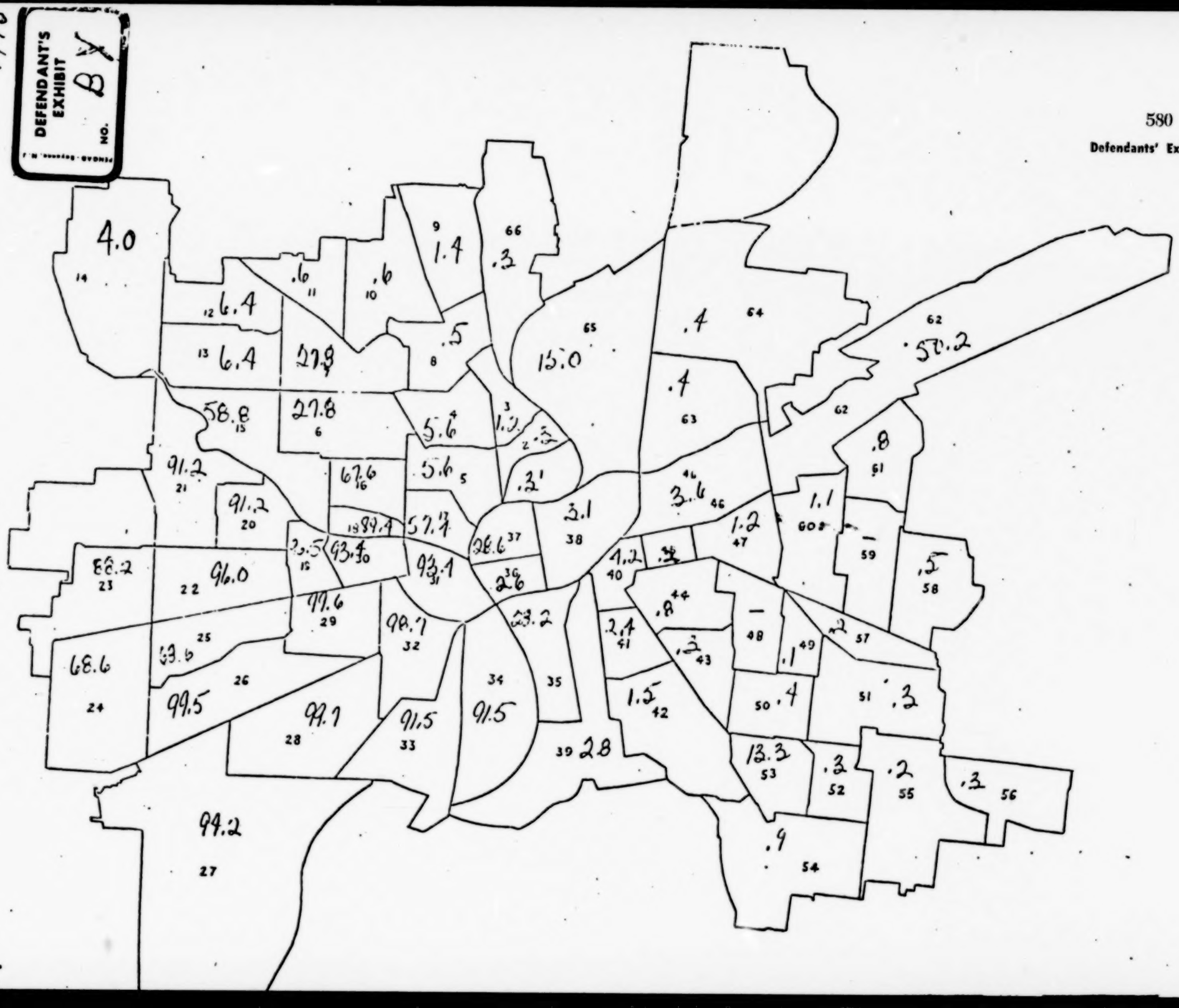
Defendants' Exhibit BY

1970

DEFENDANT'S EXHIBIT BY NO.

580

Defendants' Exhibit BY



DEFENDANTS' EXHIBIT CI(2)

ROOSEVELT HIGH SCHOOL

Graduating Class with Number of Students by Race
From the Colonel White-Roosevelt Optional Zone

Years	Total in Graduating Class White	Total in Graduating Class Black	Optional Zone White	Optional Zone Black
1957-58	119	194	5	2
1958-59	103	109	10	0
1959-60	56	271	9	2
1960-61	16	301	2	3
1961-62	19	335	0	4
1962-63	12	292	2	1
1963-64	10	352	1	0
1964-65	5	265	1	2

Supplied by Roosevelt High School
11-9-72

DEFENDANTS' EXHIBIT CM

Racial Composition
Non-Teaching Personnel

	1971-72 BLACK	1971-72 WHITE		1972-73 BLACK	1972-73 WHITE	
Clerical:						
Schools	52	98		52	78	
Others	28	92		45	102	
All	80	190	T270	97	180	T277
Food Service:	82	125		95	150	
Truck Drivers	—	—		2	6	
All	82	125	T207	97	156	T253
Maintenance & Transp.						
Trades	0	30		0	30	
Laborers	2	6		2	6	
Truck Drivers	2	2		2	1	
All	4	38	T42	4	37	T41
Bus Drivers	8	6		7	7	
All	8	6	T14	7	7	T14
Operations						
Schools	143	159		133	162	
Others	4	1		3	2	
All	147	160	T307	136	164	T300
Other						
Stock Clerks	3	8		2	10	
Truck Driver	2	2		2	2	
All	5	10	T15	4	12	T16

Defendants' Exhibit CM

	TOTALS		BLACK		% BLACK	
Clerical						
1971-72	270		80		30%	
1972-73		277		97		35%
Food Service						
1971-72	207		82		40%	
1972-73		253		97		38%
Maintenance & Transp.						
1971-72	42		4		9%	
1972-73		41		4		10%
Bus Drivers						
1971-72	14		8		57%	
1972-73		14		7		50%
Operations						
1971-72	307		147		48%	
1972-73		300		136		45%
Other						
1971-72	15		5		33%	
1972-73		16		4		25%
1971-72	855		326		38%	
1972-73		901		345		38%

Staff Development Dept.
Classified Personnel Div.
Dayton Public Schools
10/27/72

DEFENDANTS' EXHIBIT CN

TRANSFER REQUESTS FOR 1972-73

SCHOOL ASSIGNED	SCHOOL REQUESTED	GRANTED	NOT GRANTED	PLACED ON WAITING LIST	GRANTED IF ROOM	DID NOT KEEP APP
Dunbar	Edison		1			1
	Greo A. Greene		1			1
	Irving		1			
	Jackson					1
	Weaver	1		1		
	Whittier	2	1			
	Wogaman	2			5	
Edison	Dunbar		1			
	Irving					
	Roosevelt		1			
Emerson	Dunbar	1				
Garfield	Central	1	4			
	Dunbar	6	1			
	Edison	8	6			
	Greo A. Greene	4			6	
	Irving	7			3	
	Weaver	14	2		1	
	Willard	4				
	Wogaman	2				
Greo A. Greene	Dunbar	1				
Irving	Roosevelt					

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SCHOOL ASSIGNED		SCHOOL REQUESTED		GRANTED	NOT GRANTED	GRANTED IF ROOM	DID NOT KEEP AP
Whittier	29.9	Jackson	35.9				1
		Willard	100.0	3			
Willard	100.0	Edison	93.0	1			
		Garfield	100.0				1
		Irving	46.6	6	2	3	3
		Jackson	35.9	2			
		Weaver	67.6	6	2	1	
		Whittier	29.9	11		2	1
		Wogaman	100.0	2		1	1
Wogaman	100.0	Any mixed school					1
		Central	33.9		2		
		Dunbar	100.0	2	2		
		Highview	1.7	6	2		7
		Irving	46.6	2	2	5	
		Jackson	35.9	35	6	20	4
		Roosevelt	31.5				1
		Weaver	67.6	14	8	4	4
		Whittier	29.9			1	
		Willard	100.0	3			2
TOTAL				151	53	55	35

Defendants' Exhibit CN

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DAYTON PUBLIC SCHOOLS

Veterans Administration Student Attendance at
Residence Park Elementary School 1957-1972

	NAME	YEAR	RACE
1.	Melora Battist	1964	W
2.	Ray Bumgarner	1958-59	W
3.	Judith Brimbury	1965-67	Unknown
4.	James Brimbury	1965-67	"
5.	Thomas Cogbill	1963-66	W
6.	Patricia Davis	1959-61	W
7.	Rebecca Elliott	1958-61	W
8.	Susan Edman	1957-61	W
9.	Lolee Edman	1957-61	W
10.	James Fletcher	1956-57	W
11.	Genevieve Genao	1964-65	W
12.	Angela Genao	1964-65	W
13.	Sean Gabe	1958-59	W
14.	Marguerite Gabe	1958-59	W
15.	George Hill	1962-63	B
16.	Obie Hicks	1958-60	B
17.	William Hicks	1959-60	B
18.	Mary Hicks	1958-60	B
19.	Calvin Hicks	1958-60	B
20.	Michael Ireton	1958-62	W
21.	Kevin Ireton	1961-62	W
22.	Kathleen Ireton	1960-62	W
23.	Margaret Klingenberg	1956	W
24.	Kristen Kinkade	1965-66	Unknown
25.	Caryle Kinkade	1965	Unknown
26.	Roy Kenney	1958-60	B
27.	Debra Kenney	1957-60	B
28.	Cheryl Kenney	1957-60	B
29.	Susan Levin	1962-63	W
30.	Betsy Levin	1962-63	W
31.	Valerie Lefkan	1961-62	W
32.	Richard Lefkan	1957-58	W
33.	Lesley Lefkan	1959	W
34.	Daniel Leary	1960-61	W
35.	Thomas Laneve	1961-62	W
36.	Patricia Laneve	1962-63	W
37.	Mary Laneve	1959-60	W
38.	Joseph Laneve	1960-61	W
39.	Sarah Matre	1958-59	W
40.	Lisa Matre	1959-60	W
41.	Mario Nieto	1962-63	W
42.	Diana Nieto	1962-63	W
43.	Andrea Salerino	1964-66	Unknown
44.	Danny Suttenfield	1959-60	W
45.	Susan Stephens	1962-63	W
46.	Helen Stephens	1958-63	W
47.	Robert Taylor	1958-59	W
48.	Larry Taylor	1958-59	W

The above information from permanent record cards was obtained
from Mr. Raymond Suann, Principal at Residence Park Elementary

DEFENDANTS' EXHIBIT CO

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DEFENDANTS' EXHIBIT CP

DAYTON PUBLIC SCHOOLS

Veterans Administration Student Attendance at Jackson Schools 1957-1972

No child living at the Veterans Administration Center is in the records at the schools for 1957-1972.

The above information from permanent record cards was obtained from Mrs. Carrie Mallette and Mr. Richard Bradfield, Principals of the Jackson Complex.

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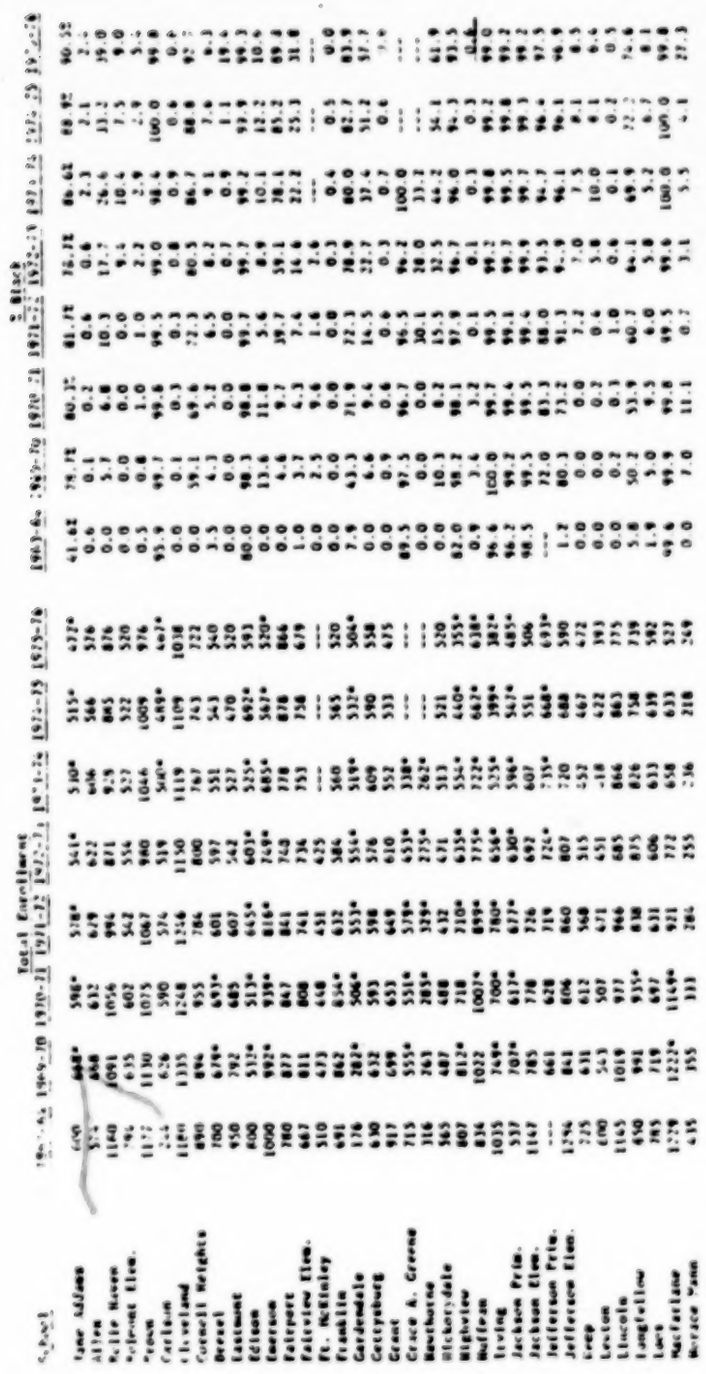

BLACK ENROLLMENT BY SCHOOLS
Dayton Public Schools
October, 1975

School	Total Enrollment 1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77
Case Addams	649	588*	528*	541*	530*	515*	472*	41.62
Allen	552	632	629	622	606	586	516	0.6
Belle Haven	1140	1056	994	871	925	865	836	0.0
Belmont Elem.	794	602	562	554	527	522	520	0.0
Cesar	1177	1075	1067	980	1044	1009	974	0.3
Carlson	224	590	574	519	540*	645*	647*	95.9
Cleveland	1281	1248	1254	1150	1119	1109	1038	0.0
Cornell Heights	890	955	784	800	767	743	722	0.0
Drexel	700	693*	601	597	551	543	540	3.5
Eastmont	950	885	807	542	527	470	520	0.0
Edison	800	532*	445*	603*	525*	592*	520*	80.0
Emerson	1000	934	816*	769*	749	753	778	0.0
Fairport	787	847	841	742	734	753	884	1.0
Fairview Elem.	467	808	741	451	425	---	659	0.0
Ft. McKinley	510	448	434	432	384	---	---	0.0
Franklin	691	834*	553*	554*	560	565	520	7.9
Gardendale	178	506*	598	516	519*	532*	564*	0.0
Georgetown	630	593	598	526	609	580	558	0.0
Grant	917	653	649	610	552	533	475	0.0
Grace A. Greene	715	555*	551*	575*	553*	338*	---	89.5
Hawthorne	316	263	285*	325*	275*	262*	---	0.0
Hickorydale	365	487	488	432	431	513	520	0.0
Highview	807	812*	718	710*	554*	722*	355*	82.0
Huffman	834	1007*	899*	775*	654*	525*	638*	0.9
Irving	1035	7006	780*	654*	596*	597*	382*	96.6
Jackson Prim.	537	615*	673*	630*	692	607	485*	98.2
Jackson Elem.	1167	785	726	719	724*	735*	506	0.4
Jefferson Prim.	---	778	715	807	720	552	693*	---
Jefferson Elem.	1296	661	629	660	515	551	590	1.2
Loop	525	841	804	568	551	-18	472	0.0
Lexton	680	543	503	471	485	844	393	0.0
Lincoln	1165	1015	927	984	838	826	775	5.8
Longfellow	650	991	935*	838	815	833	739	1.9
Lowe	785	719	697	631	606	658	582	99.6
Northridge	1279	1223*	1156*	921	772	633	527	0.0
Norwood Junc	435	355	333	284	255	236	249	0.0

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School	Total Enrollment 1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76	% Black 1969-70	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76
McGuffey	958	904*	850*	774*	662*	620*	629*	18.9%	24.2%	32.0%	41.6%	47.9%	55.6%	57.8%
McKee	498	456*	423*	409*	412*	410*	360*	98.8	100.0	100.0	100.0	100.0	100.0	99.7
Meadowdale Elem.	671	587	522	508	754	706	691	12.8	7.7	8.2	12.6	12.3	10.6	13.0
Mont Chapel	722	687	481*	410*	398*	380*	500*	99.6	99.7	100.0	99.8	100.0	100.0	98.-
Patterson Elem.**	656	603	621*	619*	726*	659*	586*	563*	0.0	0.0	0.3	4.0	3.8	5.9
Residence Pk. Jrsh.	---	383	464	449	457	411	357	342	---	99.5	98.9	99.8	100.0	99.5	99.-	99.3
Residence Pk. Elem.	1312	766	764	702	660	654	592	536	90.0	99.2	99.7	99.7	99.8	99.5	98.5	98.5
Rushin	1171	927*	870*	834*	756*	733*	741*	716*	0.0	4.3	3.7	0.1	0.5	0.1	0.5	0.-
Shiloh	490	445	619	550	537	548	486	442	2.4	6.0	7.4	0.9	8.4	14.2	15.-	17.-
Stump Hill	318	336	294	207	184	---	---	---	0.9	13.4	13.9	1.4	3.8	---	---	---
Louise Troy	781	724*	691*	592	567	530	504	467	99.8	99.7	99.9	99.7	99.1	100.0	100.0	100.0
Valerie	---	483	450	342	375	452	442	415	---	17.4	20.0	13.5	24.0	30.3	33.3	--.-
Van Cleve	770	780	813*	760*	756*	634*	887*	842*	0.9	1.7	2.1	14.9	20.2	19.6	20.4	22.9
Washington	650	703*	681*	634*	628*	575*	576*	534*	23.0	16.6	16.4	14.5	15.3	15.5	16.5	15.-
Weaver	1260	1118*	1027*	1001*	838*	605*	524*	457*	98.8	100.0	99.9	99.7	99.5	100.0	99.6	99.8
Webster	531	537	486	493	502	527	551	547	0.1	0.6	0.4	0.4	1.0	1.3	3.6	4.8
Westwood	1900	1467*	1409*	1318*	1190*	1008*	955*	877*	94.7	99.5	99.6	99.5	99.7	99.5	99.3	99.5
Whittier	925	801*	688*	748	615	576	533	408	95.6	99.3	99.0	99.5	99.3	99.7	99.1	100.0
Wagaman	1100	1034*	985*	988*	971*	967*	963*	916*	100.0	100.0	99.5	99.8	100.0	100.0	100.0	99.7
Orville Wright	750	758	719	963	929	915	870	781	0.0	0.8	0.4	6.7	8.1	8.2	6.9	8.3
Carmen	102	108	104	101	85	85	86	112*	15.6	17.6	16.3	11.9	11.8	10.6	14.0	14.3
Kennedy**	144	181	169*	153	---	---	---	---	13.8	11.0	12.4	15.7	---	---	---	---
Home Teaching	---	---	---	---	---	---	---	24	---	---	---	---	---	---	---	37.5
Belcont P.S.	1768	2003	1966	2039	2056	2070	2094	2256	0.0	0.5	1.2	2.7	5.2	5.3	6.8	7.6
Dunbar	1180	1471	1333	1369	1357	1012	990	1283	92.7	99.4	99.8	100.0	100.0	99.8	99.8	99.7
Fairview E.S.	1252	1396	1353	1426	1426	1421	1365	1471	0.9	9.3	12.7	19.1	24.1	35.0	43.2	58.3
Elder	740	744	727	731	773	739	688	880	2.7	5.4	4.8	6.4	9.8	16.1	13.5	24.4
Meadowdale H.S.	1154	1750	1783	1828	1866	1986	2145	2033	0.0	1.4	2.9	5.2	10.6	22.7	33.7	40.6
Patterson Bldg.	1020	1659	1756	1764	1737	1236	1297	1371	1.8	22.2	29.8	31.0	32.9	36.9	40.8	48.3
Roosevelt	1850	1703	1727	1691	1539	1393	1148	---	94.5	99.8	100.0	99.9	100.0	100.0	100.0	---
Roth	1120	1291	1143	1191	1183	1068	1071	1204	53.5	94.8	97.8	96.5	95.8	94.3	98.8	99.4
Scivers Bldg.	1150	1074	1224	1247	1216	1217	1184	1268	2.6	3.9	10.8	12.3	14.8	29.7	44.2	60.6
Colonel White	1668	1741	1693	1727	1501	1449	1245	1330	1.1	28.9	42.1	45.9	54.6	60.8	60.7	65.2
Wilbur Wright	1334	1332	1319	1350	1397	1371	1393	1590	3.3	4.2	4.7	5.5	9.2	12.2	12.0	14.9
Totals (Inc. Pre-K)	37,[illegible]	38,287*	36,595*	35,041*	32,182*	29,028*	27,031*	25,181*	31.1	39.3	40.6	42.7	44.6	46.3	47.5	48.9
Totals (exc. Pre-K)					30,798	27,683	25,733	24,165					43.6	45.4	46.5	48.3

* Includes Pre-School in building
** 1972-73, 1973-74, 1974-75, 1975-76 figures listed for Patterson Elem. include both Patterson and Kennedy

Division of Research
Department of Management Services

JOINT EXHIBIT I

Statement to the Board of Education, August, 1968, by Wayne M. Carle, Superintendent of Schools

STEPS TOWARD GOALS OF INTENT

One year ago this month the Board adopted a Statement of Intent for the purpose of restating its past practice and present intentions "in matters having to do with its role in the harmonious development and creative growth of the total community."

The preamble to this statement was as follows:

> "What the best and wisest parent wants for his own child, that must the community want for all its children; therefore, optimum educational opportunities for academic and vocational excellence shall be provided for every child.
>
> "Every reasonable and constructive measure that can be effected will be taken for the ultimate elimination of racial imbalance in our schools.
>
> "Recognizing the need for additional and special educational programs for children and parents from culturally deprived neighborhoods, the Board will be particularly sensitive and willing to experiment in such areas."

The statement then set forth five specific objectives which the Board resolved to implement.

I became aware of this statement last spring and immediately recognized it as a most significant affirmation of a board of education's concern for the major educational problems confronting an increasingly urbanized nation. I know of few boards that had spoken as directly and forthrightly to the challenges confronting it.

By their actions, predecessors of this Board also have been concerned with racial balance. With respect to the West

Side, for example, records indicate the determination, in the early 'fifties, to attempt to reduce the concentration of minority-group pupils in the then three schools with predominantly Negro enrollments — Wogaman, Garfield and Willard — by transferring parts of these districts and integrating other schools. The subsequent large increase in nonwhite enrollments in the surrounding schools, however, finally negated this effort.

When the first Ohio Civil Rights Commission survey was made several years ago, I recall that the Dayton schools were leaders in the employment of Negro teachers in the State. Thus, this is not a community that has been insensitive to the changing needs and demands of the urban center.

On this first anniversary of the Board's statement, I should like to report briefly on some of the many steps that have been taken toward the major purposes to which you pointed twelve months ago. Permit me to relate them directly to the five objectives.

1. The Board of Education will seek to achieve a more nearly balanced racial composition within the areas served by its schools.

- Open enrollment in all Summer high school centers was inaugurated in 1968, extending the various open enrollment plans in elementary and other summer programs.
- Nine receiving schools will be more racially balanced with children from Edison and Jefferson schools, where fire and enrollment growth have necessitated transportation to other classrooms.

2. Selection, recruitment, assignment, or appointment of teachers and administrators will be on merit only.

- Of the 319 teachers employed by mid-August to begin the 1968-69 school year, 29 percent are Negro (27% of the teaching staff was classified as Negro in the 1967 federal survey).

- Among these new teachers, 40 Negro teachers have been assigned to schools with predominantly white enrollments and 64 white teachers are assigned to schools with predominantly Negro enrollments.
- With the opening of the school year, the number of Negro principals will have increased from 10 to 14 since last year and the number of Negro assistant principals will increase from 6 to 15, including schools in the North and East sections of the city which will have Negro administrators for the first time. One-fourth of the administrators of schools are now Negro.
- Internships have been arranged this summer with universities to encourage promising Negroes to qualify for administrative assignments.

3. Curriculum material shall be used which emphasize the creative and positive contributions made by the various ethnic groups which make up the American people.

- In addition to books, records and films in use in the past three years, orders have been placed this summer for 12,648 copies of books on Negro history and biography; 40 sets of multi-media materials; 23 encyclopedias, 280 picture sets and 20 filmstrips representative of recently produced materials in this field.
- The Board has adopted new history textbooks for fifth, eight and eleventh grades that better reflect the contributions of American ethnic minorities.
- A Negro History Committee is working on identification of new materials, informing schools about them, and evaluating their use in the schools.
- Workshops are planned for the coming year to prepare leadership teams from each school to help teachers become acquainted with, and use more effectively, the new materials.

4. The Board shall encourage teachers, administrators, and schools to promote dialogue and creative engagement among the varied ethnic and cultural facets of our system.

- 226 teachers of disadvantaged youth in grades 7 to 12 participated last spring in two programs for the improvement of teaching skills in the Roth, Roosevelt and Dunbar areas.
- Six summer workshops for Dayton teachers emphasized the improvement of skills for teaching in inner-city schools.
- A Learning Disabilities Workshop provided staff members with new insights to meet special needs of children.
- SPEAR, Head Start and Summer School teachers all have attended orientation and succeeding training meetings to improve skills in working with culturally different children.
- The Multiple Motivation Project in Dayton View was funded as a national model for advancing change in education and started last spring as a program to strengthen education and neighborhood stability amid integration.
- Multiple Motivation provided a summer workshop in human relations training for teachers, administrators and community members.
- Follow-up workshops are planned this coming year to train staff leaders to assist schools staffs in problems related to social change.

5. This Board shall actively engage with all governmental, social and community agencies which aim at implementing the policies above.

- In recent months the board has –

  Created a Citizens Advisory Council

  Established continuing liaison with the Assembly of Area Councils

  Met with a committee of the City Commission on city-school cooperation and planned a joint meeting of the full Board and Commission in September.

- During the past year representatives of the schools assisted in developing the proposal for Dayton's Model Cities grant, and a teacher consultant has been working with the Model Cities Planning Council in developing an educational component for the forthcoming plans for this area of the city.

The developments since the Board's statement have indeed been numerous and significant. I have not included the very major developments in services to inner-city schools made possible through the new State funds for Improving the Educational Status of Disadvantaged Pupils, and of the creative way in which the Dayton schools have merged these projects with federally assisted programs. You have had summaries of these programs in recent meetings.

The Board has set forth very high goals for the development of optimum educational opportunities, the reduction of racial isolation, and the provision of programs targeted to the special needs of urban children. They are goals that are worthy of continued effort by every teacher and administrator and of the understanding and support of all citizens.

STATEMENT OF INTENT:

The tenor of our times prompts the Board of Education to restate in simple terms its past practice and present intention in matters having to do with its role in the harmonious development and creative growth of the total community. For the above reasons this statement of intent is issued:

A. What the best and wisest parent wants for his own child, that must the community want for all its chil-

dren; therefore, optimum educational opportunities for academic and vocational excellence shall be provided for every child.

B. Every reasonable and constructive measure that can be effected will be taken for the ultimate elimination of racial imbalance in our schools.

C. Recognizing the need for additional and special educational programs for children and parents from culturally deprived neighborhoods, the Board will be particularly sensitive and willing to experiment in such areas.

THEREFORE, BE IT RESOLVED:

1. The Board of Education will seek to achieve a more nearly balanced racial composition within the areas served by its schools.
2. Selection, recruitment, assignment, or appointment of teachers/administrators will be on merit only.
3. Curriculum material (textbooks, films, teaching aids) shall be used which emphaize the creative and positive contributions made by the various ethnic groups which make up the American People.
4. The Board shall encourage teachers, administrators, and schools to promote dialogue and creative engagement among the varied ethnic and cultural facets of our system.
5. This Board shall actively engage with all governmental, social, and community agencies which aim at implementing the policies stated above.

OPINIONS

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1. SCHOOL DISTRICTS–SECTION 3317.14 R.C.–DISTRIBUTION OF STATE FUNDS–DISTRICTS HAVE NOT "CONFORMED WITH THE LAW"–"LAW" EMBRACES ALL RULES AND PRINCIPLES ENFORCED AND SANCTIONED BY GOVERNING POWER–INCLUDES EQUAL PROTECTION PROVISION OF FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES WHICH FORBIDS SEGREGATION ACCORDING TO RACE.
2. DISTRIBUTION OF STATE AND FEDERAL FUNDS TO PUBLIC SCHOOL DISTRICTS–STATE BOARD OF EDUCATION PRIMARILY RESPONSIBLE FOR ADMINISTERING LAWS RELATING TO–SUBJECT TO APPROVAL OF STATE CONTROLLING BOARD.
3. STATE BOARD OF EDUCATION–PRIMARY DUTY TO DETERMINE WHETHER SCHOOL DISTRICT OR BOARD OF EDUCATION "HAS NOT CONFORMED WITH THE LAW"–SHOULD OBSERVE REQUIREMENTS OF ADMINISTRATIVE PROCEDURE ACT, CHAPTER 119, R.C.
4. FUNDS MAY BE DISTRIBUTED TO SCHOOL DISTRICT WHICH "HAS NOT CONFORMED WITH THE LAW" BY ORDER OF STATE BOARD OF EDUCATION AND STATE CONTROLLING BOARD–ACTING SEPARATELY–FOR "GOOD AND SUFFICIENT REASON" ESTABLISHED TO SATISFACTION OF EACH BOARD.

SYLLABUS:

1. The term "law" as used in Section 3317.14, Revised Code, forbidding the distribution of state funds to school

districts which have not "conformed with the law," is used in the abstract sense and embraces the aggregate of all those rules and principles enforced and sanctioned by the governing power in the community. Such term embraces the equal protection provision in the Fourteenth Amendment of the Constitution of the United States under which the segregation of pupils in schools according to race is forbidden.

2. The primary responsibility for administering the laws relating to the distribution of state and Federal funds to the several public school districts is placed with the state board of education, subject to the approval of the state controlling board.

3. It is the responsibility of the state board of education in the first instance to determine whether a particular school district, or the board of education of such district, "has not conformed with the law" so as to require the withholding of state funds from such district. In making such determination the state board of education should observe the requirements of the Administrative Procedure Act, Chapter 119, Revised Code, as to notice, hearing, summoning of witnesses, presentation of evidence, degree of proof, and procedural matters generally.

4. Following a determination by the state board of education that a school district "has not conformed with the law" so as to require the withholding of state funds as provided in Section 3317.14, Revised Code, such board and the controlling board, acting separately, may, for "good and sufficient reason" established to the satisfaction of each board, order a distribution of funds to such district notwithstanding such lack of conformity with the law.

Columbus, Ohio, July 9, 1956

Mr. R. M. Eyman, Executive Secretary, State Board of Education
State Office Building, Columbus, Ohio

Dear Sir:

I have for consideration your request for my opinion in which the following questions are presented:

> "1) Does the term 'the law and the rules and regulations pursuant thereto' in said Section of the Revised Code (Section 3317.14) refer to all the statutes, decisions and constitutional provisions relating to schools, or to the Foundation Law only, or otherwise?
>
> "2) By what procedure may the state board of education and the state controlling board determine whether a local board of education 'has not conformed with the law'?
>
> "3) In determining whether good and sufficient reason for non-conformance has been established to [do] the state board of education and the state controlling board act separately or as a unit?
>
> "4) In making such determination, what, if any, investigative and hearing powers does the state board of education have; what rules of evidence must be followed; and what degree of proof is required?"

As to your first question, a provision is found in existing Section 3317.14, Revised Code, for the withholding of state funds in the case of certain school districts as follows:

> "A school district, the board of education of *which has not conformed with the law* and the rules and regulations pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.02, 3317.04, and 3317.12 of the Revised Code, except for good and sufficient reason established to the satisfaction of the

superintendent of public instruction and the state controlling board. * * *" (Emphasis added.)

Effective October 1, 1956, an amended provision, analogous to that above, will become effective as follows:

> "A school district, the board of education of which *has not conformed with the law* and the rules and regulations pursuant thereto, shall not participate in the distribution of funds authorized by section 3317.02 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board. * * *"
>
> (Emphasis added.)

The use of the article "the" in this statute is suggestive, but only faintly so, of the idea that reference is made to a particular legislative enactment. However, it will be seen that there is not the slightest suggestion in the context of this provision which would aid in identifying any such particular enactment.

Moreover, it is to be observed that the article "the" was inserted in the statute in the course of the 1953 codification, the prior analogous provision in Section 4848-6, General Code, reading as follows:

> "A school district, the board of education of which has not conformed with *all the requirements of law* and the rules and regulations pursuant thereto, shall not participate in the distribution of funds authorized by the provisions of sections 4848-1, 4848-3 and 4848-9 of the General Code, except for good and sufficient reason established to the satisfaction of the superintendent of public instruction and the state controlling board; * * *."
>
> (Emphasis added.)

It thus becomes clear, because of the legislative purpose, clearly expressed in Section 1.24, Revised Code, not to effect substantive changes in the recodification process, that the provision here in question, to the extent that the point is pertinent, must be read as though the article "the" had not been inserted as an incident of such recodification.

In Cyclopedic Law Dictionary, Third Edition, on the definition of the term "law" it is said:

> "A distinction is to be observed in the outset between the abstract and the concrete meaning of the word. In the broadest sense which it bears when used in the abstract law, it is the science which treats of the theory of government.
>
> "In a stricter sense, but still in the abstract, it is the aggregate of those rules and principles enforced and sanctioned by the governing power in a community, and according to which it regulates, limits, and protects the conduct of members of the community. In the abstract sense, it includes the decisions of the courts."

In the same work the use of a prefixed article is mentioned as follows:

> "Used without an article prefixed, the abstract sense is generally intended; with an article, the sense is usually concrete."

Applying this rule to the case at hand, and giving consideration to the circumstance that the context in which the term is used in Section 3317.14, Revised Code, gives no hint as to the identity of a particular statute to which reference might be intended, it becomes necessary to conclude that the term "law" as used in that section is used in the abstract meaning of the word.

Because the provision in question relates to the "requirements of law," or conformity therewith, it is clear the term is not here used in such a broad abstract sense as to include

the "science which treats of the theory of government," but rather that it is used in the somewhat stricter sense which embraces "the aggregate of those rules and principles enforced and sanctioned by the governing power in a community" and that it "includes the decisions of courts."

Although not set out in your inquiry in express terms, there is latent therein the question of whether the conformity with law provision in Section 3317.14, Revised Code, is sufficient in scope to include instances of segregation of pupils in school according to race.

In the 14th Amendment of the Constitution of the United States there is this provision:

> "° ° ° No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

In Article VI of the Constitution of the United States there is this provision:

> "° ° ° This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. ° ° °"

It is quite clear that these provisions are such as to be comprehended in the term "law" in the sense in which I have indicated such term is used in Section 3317.14, supra, and where there is a denial of "equal protection of the laws" there is an instance of not having "conformed with the requirements of law" or of not having "conformed with the law" as provided in that section.

The equal protection clause above quoted was the subject of

consideration in Brown v. Board of Education, 347 U. S., 483, 98 L. Ed. 873, the headnotes in the latter report of the decision being in part as follows:

> "5. The equal protection clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools, even though the physical facilities and other tangible factors, such as curricula and qualifications and salaries of teachers, may be equal."

In the opinion of the court, delivered by Mr. Chief Justice Warren, there is the following statement:

> "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."

This decision is the unanimous pronouncement of the highest court in the land and must be regarded as dispositive of the question of the illegality of racial segregation in the public schools of this state.

It follows, therefore, that in those cases in which your board finds as a matter of fact that racial segregation exists in a particular school district the restrictive provisions of Section 3317.14, Revised Code, must be deemed to apply.

As to the question of your board and the controlling board acting jointly or separately, it is first to be observed that the action of the two boards, in approving distribution of funds notwithstanding a failure to conform with the law, is called for only *after* it is determined that a particular district or board "has not conformed with the law."

Because the state board of education is given the authority and responsibility in Section 3301.07, Revised Code, to "ad-

minister and supervise the allocation and distribution of all state and federal funds," and because, in Section 3317.01, Revised Code, it is provided that "Sections 3317.01 to 3317.15, inclusive, of the Revised Code, *shall be administered by the state board of education,* with the approval of the controlling board," I conclude that the responsibility to ascertain whether in particular cases there is a lack of conformity with law is placed in the first instance with the state board of education.

In this connection, although the controlling board's approval is required in the administration of Sections 3317.01 to 3317.15, Revised Code, it is to be noted that that board's principal function is one in the field of fiscal management and accountability, whereas it is the duty of the state board of education to "administer" the laws relating generally to the operation of the schools, is provided with a departmental staff for the purpose, and is provided with extensive investigative powers as hereinafter pointed out.

Accordingly, until such an initial determination is made, the question of joint or separate action, under Section 3317.14, Revised Code, to distribute funds notwithstanding such failure, is purely academic.

I may observe in passing, however, that I perceive no language in the statute which in any way suggests joint action of such boards, and the fact that each is a separate entity, separately created by law, would clearly indicate the necessity of separate action.

As to the procedure by which your board may reach a determination as to a failure to conform to the law in particular cases, your attention is invited to the following provision in Section 3301.13, Revised Code:

> "• • • In the exercise of any of its functions or powers, including the power to make rules and regulations and to prescribe minimum standards, the department of education and any officer or agency therein, shall be subject to the provisions of chapter 119. of the Revised Code. • • •"

Because one of the functions or powers of the state board of education is to ascertain whether a failure to conform to law has occurred, it is clear that in such a proceeding the provisions of Chapter 119., Revised Code, will apply. Set out in that chapter are detailed procedures for holding hearings, summoning witnesses, receiving evidence, making adjudication orders, and for appeals from such orders by any person "adversely affected."

As to the rules of evidence to be followed and the degree of proof required, your attention is invited to the following provision in Section 119.12, Revised Code:

> "The court may affirm the order of the agency complained of in the appeal if it finds, upon consideration of the entire record and such additional evidence as the court has admitted, that the order is supported by *reliable, probative, and substantial evidence* and is in accordance with law. In the absence of such a finding, it may reverse, vacate, or modify the order or make such other ruling as is supported by *reliable, probative, and substantial evidence* and is in accordance with law."
>
> (Emphasis added.)

Accordingly, in specific answer to your inquiry, it is my opinion that:

1. The term "law" as used in Section 3317.14, Revised Code, forbidding the distribution of state funds to school districts which have not "conformed with the law," is used in the abstract sense and embraces the aggregate of all those rules and principles enforced and sanctioned by the governing power in the community. Such term embraces the equal protection provision in the Fourteenth Amendment of the Constitution of the United States under which the segregation of pupils in schools according to race is forbidden.

2. The primary responsibility for administering the laws relating to the distribution of state and federal funds to the

several public school districts is placed with the state board of education, subject to the approval of the state controlling board.

3. It is the responsibility of the state board of education in the first instance to determine whether a particular school district, or the board of education of such district, "has not conformed with the law" so as to require the withholding of state funds from such district. In making such determination the state board of education should observe the requirements of the Administrative Procedure Act, Chapter 119., Revised Code, as to notice, hearing, summoning of witnesses, presentation of evidence, degree of proof, and procedural matters generally.

4. Following a determination by the state board of education that a school district "has not conformed with the law" so as to require the withholding of state funds as provided in Section 3317.14, Revised Code, such board and the controlling board, acting separately, may, for "good and sufficient reason" established to the satisfaction of each board, order a distribution of funds to such district notwithstanding such lack of conformity with the law.

Respectfully,

C. William O'Neill
Attorney General